

Award No. 40  
Case No. 40  
System Docket No. CR-1866-D

SPECIAL BOARD OF ADJUSTMENT NO. 976  
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:


Appeal of dismissal assessed Canton Shop employee W. H. Farwick on September 20, 1985, in connection with being charged with violation of General Rule "L" involving the removal of 30 feet of  $\frac{1}{2}$ " nylon rope from the Canton MW Shop.


Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this Board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

AWARD: Claim disposed of as follows:

There is sufficient evidence to support Carrier's conclusion that claimant was guilty as charged. However, while the Board does not minimize the claimant's actions, it does take into account his 11 years of service with a clear record and determines that he should be afforded another opportunity to be a reliable employee. Therefore, claimant is to be restored to service but without compensation for time lost. The lengthy suspension without pay will emphasize the gravity of this situation.

  
C. A. Peacock, Neutral Member

  
F. J. Domzalski, Carrier Member

  
Jed Dodd, Organization Member

Issued this 18th day of June, 1986.