

Award No. 70  
Case No. 70  
System Docket No. CR-1355-D

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

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Appeal of disqualification as welder and disqualification as foreman and time held out of service to apply which was assessed to R. Burkendine, in connection with being charged with failure to properly grind and adjust switch point that ultimately resulted in a derailment.

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:

We find the Carrier's action was proper; the evidence shows the claimant was remiss in the execution of his duties. However, considering the claimant's service and clear record, we feel the period of time of his disqualification is sufficient penalty, therefore the disqualification will be removed but no back pay will be due the claimant.

C. A. Peacock  
C. A. Peacock, Neutral Member

F. J. Domzalski  
F. J. Domzalski, Carrier Member

Jed Dodd  
Jed Dodd, Organization Member

Issued this 25 day of September, 1986.