

Award No. 96  
Case No. 93  
System Docket No. CR-2621-D

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

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Appeal of ten day suspension assessed J. J. Magee, in connection with being charged with unauthorized absence.

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:

Given the explanation of this one day absence and the fact that his record shows only one previous reprimand assessed over a year prior, we deem the discipline to be excessive and shall be reduced to a 5 day suspension.

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

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

Jed Dodd  
Jed Dodd, Organization Member

Issued this 3<sup>rd</sup> day of April, 1987.