

SPECIAL BOARD OF ADJUSTMENT NO. 488

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
and
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 2

STATEMENT "Claim of the System Committee of the Brotherhood that:
OF CLAIM:

1. The Carrier violated the effective Agreement by its dismissal of Extra Gang Foreman H. E. Leatherman and Substitute Foreman A. R. Lance, Sub-division No. 3, Toledo Division, account of derailment of Train No. 54, north of Perrysburg, Ohio, on August 24, 1959.

2. That Extra Gang Foreman H. E. Leatherman and Substitute Foreman A. R. Lance be now reinstated with seniority rights, unimpaired, their vacation privileges be restored, and that they be reemployed in the same status as they were as of September 8, 1959, the date of their dismissal."

FINDINGS: We believe that to whatever extent these claimants may have been negligent, the discipline already imposed is sufficient.

The claim of each, being a request for restoration to service, will be sustained.

AWARD

Claims sustained in accordance with Findings.

(s) Edward A. Lynch
Edward A. Lynch, Chairman

(s) A. J. Cunningham
A. J. Cunningham, Employee Member

(s) T. S. Woods
T. S. Woods, Carrier Member

Dated at Baltimore, Md.,
this 26th day of March, 1963.