

SPECIAL BOARD OF ADJUSTMENT NO. 936

Parties  
to the  
Dispute

:  
: Brotherhood of Maintenance of Way Employees :  
: :  
: vs. :  
: :  
: Norfolk and Western Railway Company :  
: (Lake Region) :  
: :

Case No. 12  
Award No. 12

STATEMENT OF CLAIM

(1) The dismissal of Crossing Watchmen G. R. Awbrey and G. F. Miller was without just and sufficient cause, on the basis of unproven charges, arbitrary and capricious. [File Nos. MW-MUN-82-36 and MW-MUN-82-37].

(2) Crossing Watchmen G. R. Awbrey and G. F. Miller shall be reinstated with seniority and all other rights unimpaired and compensated for all wage loss suffered.

OPINION OF THE BOARD

Claimants G. R. Awbrey (with 26 years service) and G. F. Miller (with 34 years service) were employed by Carrier as Crossing Watchmen in Muncie, Indiana. Claimants were involved in horse play and Claimant Miller's ankle was broken. Charges were brought against Miller and Awbrey and on June 3, 1982, an investigation into the matter was held. Claimants were found guilty as charged and were

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dismissed from Carrier's service. This Board has reviewed the record of this case and must conclude that Claimants were guilty as charged but that dismissal from service is far too severe a penalty given the total record of this case;

AWARD

Claimants shall be reinstated to their former status with seniority but without pay for time out of service. Carrier is directed to implement this award within 30 days of its signing by the parties.

R. E. Dennis  
R. E. Dennis, Neutral Member

S. C. Lyons  
S. C. Lyons, Carrier Member

H. G. Harper  
H. G. Harper, Employee Member

MAY 10 1984