

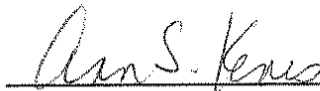
There is no question as to the seriousness of the incident. However, we find that the Claimant's lapse of judgment appears to be isolated to the incident at bar

and does not reflect the skill and dedication with which he has generally served the Carrier. In that regard, we note that the Claimant has 26 years of service and an unblemished disciplinary record. Moreover, Management employees attested at hearing that he has been an asset to the Carrier. Under these circumstances, the Board finds that the penalty of permanent dismissal is excessive. Claimant shall be given the opportunity to regain his employment and to demonstrate that he can diligently perform his job duties in the future. He shall be returned to work, without pay for time lost, and contingent upon the following conditions:

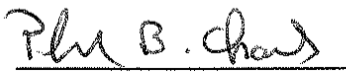
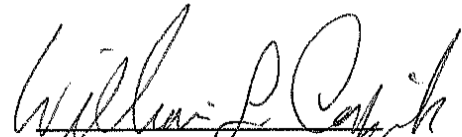
- Claimant must take and pass a return to work physical;
- Claimant will take and pass any rules and/or safety examinations deemed relevant by the Carrier;
- Contractual benefits shall be restored effective January 1, 2006.

AWARD

Claim sustained in accordance with the Findings.



ANN S. KENIS
Neutral Member


Carrier Member
Organization Member

Dated February, 16, 2006