

Award No. 101
Case No. 98
System Docket No. CR-2620-D

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

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Appeal of forty-five day suspension and disqualification as a Track Foreman assessed G. D. Howard, in connection with being charged with violation of the Transportation Department Rules 801, 804 and 956.

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:

While there is contradictory dialogue in the transcript, appellant's action clearly warranted the suspension imposed, however we do not find that under the circumstances herein that he is unqualified to be a Foreman, therefore the disqualification shall be removed, however no back pay will be due the claimant.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jed Dodd, Organization Member

Issued this 3rd day of April, 1987.