

Award No. 138
Case No. 139
System Docket No. CR-2849-D

SPECIAL BOARD OF ADJUSTMENT NO. 976

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Appeal of disqualification as track foreman assessed K. C. Bowman on December 2, 1986, in connection with being charged with being insubordinate and failing to maintain bolt condition on his territory and failure to make proper remedial action to make repair.

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:

There is sufficient evidence to support the Company's finding that claimant was guilty of the charge. However while we do not minimize his actions, considering his 10 years of discipline free service, we feel permanent disqualification is inappropriate, therefore it shall be removed after one year has elapsed with no compensation to be made to the claimant.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jed Dodd, Organization Member

Issued this 17th day of Sept., 1987.