

Award No. 146
Case No. 157
System Docket No. CR-3092-D

SPECIAL BOARD OF ADJUSTMENT NO. 976

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

VS.

CONSOLIDATED RAIL CORPORATION


STATEMENT OF CLAIM:

Appeal of dismissal assessed J. B. Lavender on June 1, 1987, in connection with being charged with Insubordination by failing to follow the instructions of a Supervisor and violation of Safety Rule 3003 when he violated Municipal Laws by driving Company truck weighing 15 3/4 tons over a posted 3 Ton weight limit bridge.

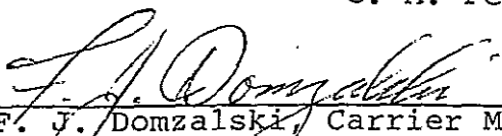
Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this Board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

AWARD: Claim disposed of as follows:

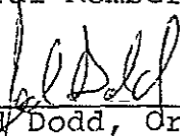
Considering all factors involved and cognizant of the municipal fine imposed upon claimant, we find the discipline assessed to be excessive under the circumstances herein, and it shall be reduced to a 30 day suspension. In addition, claimant will be barred from operating a Company vehicle for one year.



C. A. Peacock, Neutral Member



F. J. Domzalski, Carrier Member



Jed Dodd, Organization Member

Issued this 3rd day of February, 1988.