

Award No. 197  
Case No. 205  
System Docket No. CR-3359-D

SPECIAL BOARD OF ADJUSTMENT NO. 976

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

VS.

CONSOLIDATED RAIL CORPORATION

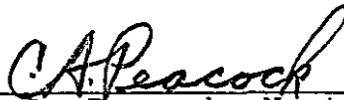
STATEMENT OF CLAIM:

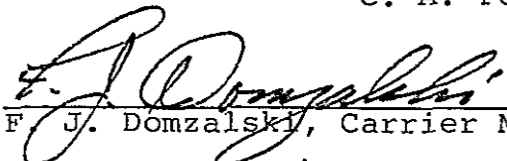
Appeal of dismissal assessed W. Bell on December 4, 1987, in connection with being charged with falsification of a personal injury and falsification of reports.


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:

The record shows conflicting testimony but tends to lean toward suspicion and a lack of claimant's credibility, however, we find it difficult to discern fact from fiction. In light of claimant's 13 years of good service and the unclear posture of the record, dismissal would appear to be excessive. Accordingly, claimant will be reinstated, but without pay.

  
C. A. Peacock, Neutral Member

  
F. J. Domzalski, Carrier Member

  
Jed Dodd, Organization Member

Issued this 4th day of August, 1988.