

Award No. 204
Case No. 206
System Docket No. CR-3362-D

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

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Appeal of 5 day suspension assessed G. E. Duke in connection with being charged with failure to perform duties of a foreman and violation of Rule 827c of the rules of the Transportation Department.

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:

After a review of the entire record, it appears claimant exerted proper judgement in light of track conditions, thus we do not feel discipline was warranted and he shall be exonerated in accordance with Section 4 of Rule 27.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jed Dodd, Organization Member

Issued this 14 day of Oct, 1988.