

Award No. 221
Case No. 225
System Docket No. CR-3477-D

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

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Appeal of disqualification from operating Kershaw Yard Cleaner, and 30 day suspension assessed R. V. Waldron in connection with causing damage to main travel pump while operating the Kershaw Yard Cleaner.

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 transcript establishes by substantial evidence that claimant was guilty as charged, therefore the appeal of his suspension is denied. However, we deem permanent disqualification as being harsh, consequently he shall be given an opportunity to demonstrate his ability to operate the equipment and, if he satisfactorily passes the test, then the disqualification shall be lifted.

C. A. Peacock
C. A. Peacock, Neutral Member

F. J. Domzalski
F. J. Domzalski, Carrier Member

Jed Dodd
Jed Dodd, Organization Member

Issued this 14 day of Oct, 1988.