

Award No. 224
Case No. 198
System Docket No. CR-3305-D

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

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:


Appeal of dismissal assessed L. Minges on October 30, 1987, in connection with being charged with violation of Rules D and E of 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:

Claimant was charged for the same offense as his supervisor which is described in Award No. 30 of Public Law Board No. 4188, (URSA vs. Conrail). While we share for the most part with the reasoning expounded in Award No. 30, this Board denotes a clear distinction between the records of the principles, therefore, we deem claimant should also be restored to service, but without any compensation for lost time.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jed Dodd, Organization Member

Issued this 14 day of December, 1988.