

Award No. 23

Case No. 19

System Docket No. CR-1681-D

SPECIAL BOARD OF ADJUSTMENT NO. 976

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Dismissal of R. Calandra which was reduced to time held out of service in connection with being charged for his responsibility for the collision between the boom truck he was piloting and another vehicle.

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:

While the Board recognizes the claimant was not qualified on the physical characteristics of the territory, as the pilot in unfamiliar territory he should have exuded greater caution and control over the operator. However, we find the discipline dispensed was excessive and shall be reduced to a 30 day suspension.

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

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

Jack Dodd
Jack Dodd, Organization Member

Issued this 23rd day of May, 1966.