

Award No. 233
Case No. 234
System Docket No. CR-3675-D

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

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Appeal of disqualification as a forman
assessed A. J. Carosielli on March 10, 1988,
in connection with failing to follow instruc-
tions and perform duties assigned by supervi-
sors.

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 evidence indicates Carrier did not exceed its discretion.
However, while the Board finds that claimant did not properly
perform his duties at that time, the period of time since the
violation occurred is sufficient penalty under these particu-
lar circumstances. Therefore, the disqualification will be
removed, but no back pay will be due the claimant.

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

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

Jed Dodd
Jed Dodd, Organization Member

Issued this 21 day of April, 1989.