

Award No. 239
Case No. 241
System Docket No. CR-3684-D

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

VS.

CONSOLIDATED RAIL CORPORATION


STATEMENT OF CLAIM:


Appeal of discipline of disqualification
assessed J. Shean in connection with being
charged with violation of Safety Rule 3409
which resulted in damage to Company 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: Claim disposed of as follows:

Considering all factors involved, we deem that the disqualification
should be removed, but without back pay.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jed Dodd, Organization Member

Issued this 21 day of April, 1989.