

Award No. 255  
Case No. 251  
System Docket No. CR-3937

SPECIAL BOARD OF ADJUSTMENT NO. 976  
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES  
VS.  
CONSOLIDATED RAIL CORPORATION


STATEMENT OF CLAIM:


Appeal of dismissal assessed J. L. Grove on July 12, 1988, in connection with being charged with violation of General Rules A, B and D and Rules 804, 805, 806, 807, 955 and 956 of the Transportation Dept. resulting in destruction of Conrail property.

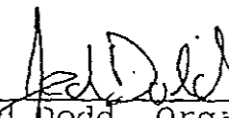
Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this Board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

AWARD: Claim disposed of as follows:

The facts and circumstances of this case are mainly the same as a companion case which was considered by Public Law Board No. 3514 in Case No. 352, Award 265, (BMWE vs. Conrail). We share with the reasoning expounded in Award No. 265, and we find that the evidence in this case shows claimant was guilty of the offense, thus discipline was warranted. However, there are certain mitigating factors, as set forth in the total record, and these circumstances prompt us to conclude that claimant should be afforded another opportunity to be a reliable employee. Therefore, claimant is to be restored to service but without compensation for time lost. The lengthy suspension without pay will emphasize the gravity of this situation.

  
C. A. Peacock, Neutral Member

  
F. J. Domzalski, Carrier Member

  
Jed Dodd, Organization Member

Issued this 22 day of May, 1989.