

Award No. 290

Case No. 290

System Docket No. MW-713

SPECIAL BOARD OF ADJUSTMENT NO. 976

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Appeal of 30 day suspension assessed A. E. Livingston in connection with being charged with failure to properly observe and direct Log Loader.

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:

After reviewing the facts and circumstances surrounding the incident, we feel a minimal suspension may have been in order, when taking into account that claimant was not assigned, but rather volunteered to be a lookout and he has 18 years of discipline free service. Accordingly, the discipline shall be reduced to a 5 day suspension.

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

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

Jed Dodd
Jed Dodd, Organization Member

Issued this 26 day of April 1990.