

Award No. 295

Case No. 295

System Docket No. MW-733

SPECIAL BOARD OF ADJUSTMENT NO. 976

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Appeal of dismissal assessed M. Clausen on August 8, 1989, in connection with being charged with submission of fraudulent expense account.

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 is clear, as acknowledged by claimant's own testimony, that he was guilty as charged. However, while the Board does not minimize the claimant's actions, it does take into account his 14 years of good service and determines that he should be afforded another chance to be a reliable employee. Therefore, claimant is to be restored to service without any back pay. Further, claimant is put on notice that this restoration is on a last chance basis.

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

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

Jed Dodd
Jed Dodd, Organization Member

Issued this 28 day of April, 1990.