

Award No. 307
Case No. 307
System Docket No. MW-1192

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

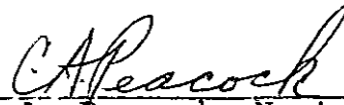
STATEMENT OF CLAIM:


Appeal of time held from service (approximately 6 months) assessed S. Duffield in connection with being charged with unauthorized removal of three 20 foot sections of corrugated pipe at Gang Mills Yard and unloaded them on private property behind the Cameron Fire House, Cameron, NY.

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:

Aside from the conflicting testimony and dubious factors surrounding the occurrence, in our judgement there is insufficient evidence to support Carrier's conclusion, therefore, claimant is to be exonerated in accordance with Section 4 of Rule 27.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jed Dodd, Organization Member

Issued this 11 day of April, 1991.