

Award No. 309  
Case No. 309  
System Docket No. MW-1467

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

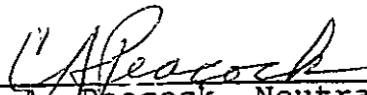
STATEMENT OF CLAIM:


Appeal of dismissal assessed J. A. Crummel on November 15, 1990, in connection with being charged with failure to follow instruction of Track Supervisor to check crosslevel and profile after passage of every train over active sink and violation of Rules D & T. Also, falsification of time documents.

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:

While mitigating factors may have led claimant to leave his assignment for a questionable period of time, they did not absolve him from his responsibility to protect his assignment, therefore, the established evidence is convincing that claimant was guilty of the offense. However, taking into account his 26 years of service prompts this Board to afford him one last chance to prove that he can be a reliable employee, therefore, claimant is to be restored to service but without any compensation for lost time.

  
C. A. Peacock, Neutral Member

  
F. J. Domzalski, Carrier Member

  
Jed Dodd, Organization Member

Issued this 11 day of April, 1991.