

Award No. 346  
Case No. 346  
System Docket No. MW-2696

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


STATEMENT OF CLAIM:


Appeal of dismissal assessed D. P. Groves on September 15, 1992 in connection with being charged with unauthorized use of a Conrail telephone to make '900' numbers and other long distance personal calls.

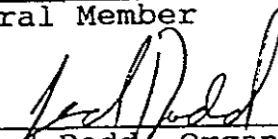
Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this Board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject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

AWARD: Claim disposed of as follows:

The evidence conclusively shows that claimant is guilty of the offense and discipline was clearly warranted. However, while we do not minimize the claimant's shortcomings, in our judgment, based on his 17 years of relatively good service, we deem the time he has been out of service should constitute sufficient discipline for this infraction. Therefore, claimant is to be restored to service, but without compensation for time lost, subject to him making full restitution of \$173.10 to the Company.

  
C. A. Peacock, Neutral Member

  
F. J. Domzalski, Carrier Member

  
Jed Dodd, Organization Member

Issued this 26 day of April, 1993.