

Award No. 90
Case No. 103
System Docket No. CR-2662-D

SPECIAL BOARD OF ADJUSTMENT NO. 976
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Appeal of dismissal assessed R. C. Feese on September 2, 1986, in connection with being charged with unauthorized absences.

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 Company is not unreasonable when it expects regularity of work attendance, and failure to comply warrants discipline, however, given the claimant's prior discipline record, we find the discipline assessed to be excessive and it shall be reduced to a 60 day suspension. Claimant is to be compensated for any lost earnings beyond the suspension period.

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

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

Jed Dodd
Jed Dodd, Organization Member

Issued this 17th day of February, 1987.