

PUBLIC LAW BOARD NO. 1850

Award No. 10

Docket No. 30

ORG. File No. BALT-E-107

Carrier File No. 2-MG-1544

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Baltimore & Ohio Railway Company

Statement of Claim: Claim filed on behalf of Trackman Walter Lyons, Jr., Maryland Division, for his reinstatement as a result of being dismissed from the service following a hearing on October 9, 1975, in connection with his being absent without permission on Monday, September 29, 1975.

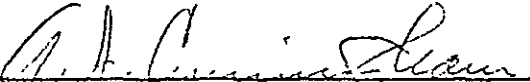
Findings: The Board finds, after hearing upon the whole record and all evidence, that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated October 27, 1976, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearings held.

Claimant Trackman was dismissed from service October 29, 1975, following an investigation for absenteeism. The Board finds that Claimant was accorded due process. The record provides sufficient evidence to support Carrier's conclusion of guilt.

The Board finds circumstances present which serve to mitigate the discipline imposed. It therefore finds that Claimant should be returned to service with seniority unimpaired and without pay for any time lost subject to Claimant's passing a return to service physical examination. This Award will stand as a "last chance" testimonial and "final" notice to Claimant that he and he alone, by his future conduct, will determine his future with this railroad.

Award: Claim disposed of per findings.

Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.

  
A. J. Cunningham, Employee Member

  
L. W. Burks, Carrier Member

  
Arthur T. Van Wart, Chairman and Neutral Member