

PUBLIC LAW BOARD NO. 1850

Award No. 4

Docket No. 6

Org. File No. BALT-E-106

Carrier File No. 2-MG-1513

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute Baltimore and Ohio Railroad

Statement of Claim: Claim filed on behalf of Welder Helper Clarence V. Ridgley for restoration of his seniority unimpaired and reimbursement for all time lost at the applicable rate of pay as a result of the discipline of dismissal administered to Mr. Ridgley following a hearing held on December 31, 1975 on charges of refusing to follow instructions of the supervisor and absenting himself from duty without authority at approximately 12:30 p.m. on December 17, 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 Welder Helper, as a result of an incident on December 17, 1975, was given a notice of investigation to be held December 31, 1975 and charged with:

"...absenting yourself from duty without authority at approximately 12:30 p.m. on December 17, 1975, and refusing instructions given you by the Welder."

As a result thereof, Claimant was found guilty as charged and was dismissed from service as discipline therefor effective January 20, 1976.

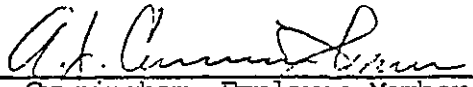
The Board finds that Claimant received due process.


Sufficient evidence, including Claimant's admission, was adduced to support Carrier's conclusion that Claimant had, in fact, refused to follow his Welder's instructions and that he had absented himself from duty without authority on December 17, 1975.

Claimant's record indicates that the absenteeism herein was but one of many such incidents. It acts against mitigation of the discipline

imposed. The Board finds no reason to warrant a change in the discipline imposed and denies the claim.

Award: Claim denied.


A. J. Cunningham, Employee Member


L. W. Burks, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Atlanta, Georgia, June 9, 1977.