

Award No. 20
Case No. 20

Public Law Board No. 2203

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Consolidated Rail Corporation

STATEMENT
OF
CLAIM:

1. The dismissal was unjust, arbitrary and harsh for the offense.
2. The Carrier shall reinstate Thomas J. Lavender with seniority, vacation and all other rights unimpaired, and payment made for all time lost.

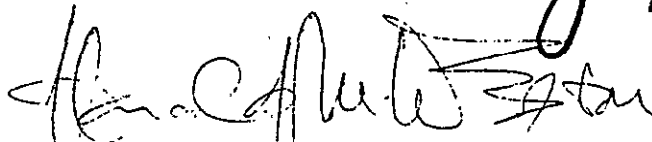
FINDINGS:

This dispute concerns the same basic situation, contentions and evidence as were before us in Case No. 19 (see Award 19). Without any question, claimant was guilty of failing to comply with direct, unambiguous orders to go to work during the bus incident discussed in Award No. 14. No valid basis is perceived for disturbing Carrier's findings or awarding back pay to claimant. His statement that he was ill

at the time of the incident was not made until after he had been removed from service; in any event that fact as well as his prior record were taken into consideration in permitting him to return to work on March 13, 1978.

AWARD: Claim denied.

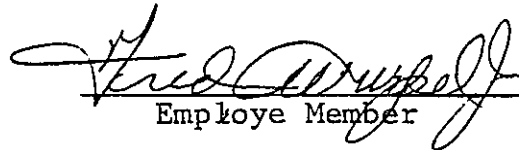
Adopted at Philadelphia, Pa., *July 10,* 1979.



Harold M. Weston, Chairman



Carrier Member



Employee Member