

Award No. 40
Case No. 40

Public Law Board No. 2203

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Consolidated Rail Corporation

STATEMENT
OF
CLAIM:

1. Carrier violated the Rules Agreement effective December 16, 1945, as amended, particularly Rules 5-A-1, 5-E-1 and the January 26, 1973 Agreement, when it assessed discipline of dismissal on Trackman Gary R. Williams, January 5, 1978.
2. Claimant's record be cleared of the charge brought against him.
3. Claimant be restored to service with seniority and all other rights unimpaired, and be compensated for wage loss sustained in accordance with the provisions of Rule 6-A-1(d), with restoration of benefits.

FINDINGS:

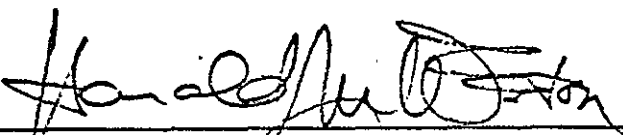
Claimant was dismissed for absenteeism without

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permission on eight working days in September and October 1977. In view of his admissions that he was absent without permission and his prior record of numerous unauthorized absences in 1974, 1975 and early 1977, no ground is found for setting aside Carrier's decision. No objection was raised at the hearing because of any delay or procedural error and the record does not show that prejudicial error was committed.

AWARD: Claim denied.

Adopted at Philadelphia, Pa., August 14, 1979.


Harold M. Weston, Chairman


Carrier Member


Employee Member