

Parties
to the
Dispute

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:
: Pennsylvania Federation Brotherhood of
: Maintenance of Way Employees
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:
: vs.
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:
: Consolidated Rail Corporation
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AWARD No. 19
Case No. 21

STATEMENT OF CLAIM

- (a) That R. G. Devlin, employed by the Carrier for approximately eleven (11) years and nine (9) months, and at time of incident employed as Track Foreman, be restored to position as Track Foreman with all attendant compensation and privileges provided for by either agreement or past practice.
- (b) That R. G. Devlin's record be cleared of all charges brought against him.

OPINION OF THE BOARD

Claimant R. G. Devlin, employed at Carrier's Enola, Pennsylvania facility as Track Foreman, was charged with allowing members of his gang to leave their positions, leaving the site himself, and providing false information for pay purposes. A hearing was held January 7, 1983, at which Claimant was found guilty, assessed a 60-day suspension, and disqualified as a Foreman.

A review of the record reveals that Claimant admitted his guilt to the charges and that Petitioner's contention that the trial was procedurally unfair is unsupported. Claimant Devlin released his men from work without consulting his Supervisor and without having been given the authority to do so. Carrier is entitled to receive a full day's work in return for providing a full day's pay. In this instance, it was shortchanged in the bargain. As Track Foreman, Claimant held a position of trust. It was his responsibility to ensure that work was performed during the stipulated time period. This he failed to do. Carrier need not condone such behavior.

AWARD

The claim is denied.



R. E. Dennis, Neutral Member



J. Dodd, Employee Member



R. O'Neil, Carrier Member



Date of Adoption