

Award No. 3
Case No. 5

Public Law Board No. 2630

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employes
and
Baltimore and Ohio Railroad Company

STATEMENT
OF
CLAIM:

1. Carrier violated the Agreement of October 1, 1968 when it dismissed Charles D. Davis on March 31, 1977.
2. The dismissal of Claimant Davis was excessive and unjustified. Claimant should be restored to service with his seniority unimpaired and be allowed pay for all time lost.

FINDINGS:

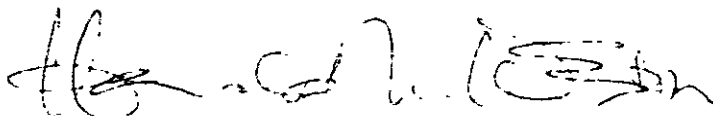
The record establishes that claimant was absent from duty without permission on ten days in February 1977. We find no basis for setting aside Carrier's decision that substantial discipline is warranted. It is appropriate for Carrier to take into consideration, in determin-

ing the measure of discipline, claimant's record including his fifteen-day suspension for a like offense in 1976.

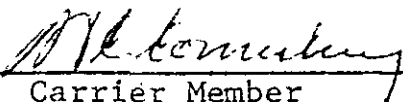
We will sustain a lengthy suspension without pay for claimant. However, in our view, he should be given another opportunity to demonstrate that he can be relied upon to provide steady service for Carrier.

AWARD: Claimant to be immediately reinstated with seniority rights unimpaired but without back pay. To be effective within 30 days.

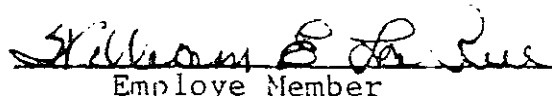
Adopted at Baltimore, Maryland, *December 22*, 1980.



Harold M. Weston, Chairman



Carrier Member



Employee Member