

Award No. 6
Case No. 11

Public Law Board No. 2630

PARTIES
TO
DISPUTE:

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

STATEMENT
OF
CLAIM:

1. Carrier acted harshly and without just cause when it removed James Litten from service on June 17, 1977.

2. Carrier now reinstate claimant Litten and provide him with a fair, equitable and just opportunity to demonstrate his ability to perform the work and prove himself as a trackman. This accomplished, restore seniority unimpaired.

FINDINGS:

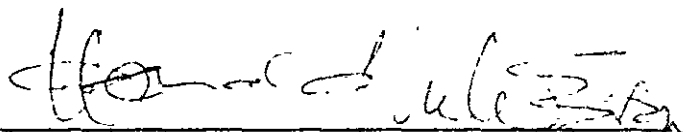
Hired as a trackman on April 4, 1977, claimant was removed from Carrier's service on June 17, 1977. According to a supervisor, his work was unsatisfactory.

Under the express terms of Rule 48(b), the protection offered employees by the Discipline provisions of the

parties' Agreement does not apply to trackman with less than 90 days service. In the light of this agreed upon probationary period provision, there is no basis for interfering with Carrier's decision to terminate claimant's employment. This is not to say that we uphold the supervisor's opinion that claimant was an unsatisfactory employee; such decisions based on brief experience are not always reliable and claimant may well have received good ratings from other supervisors. However in view of Rule 48(b) and claimant's brief service, we have no alternative but to deny the claim.

AWARD: Claim denied.

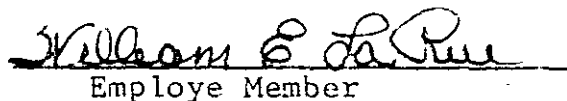
Adopted at Baltimore, Maryland, *October 22*, 1980.



Harold M. Weston, Chairman



Carrier Member



Employee Member