## PUBLIC LAW BOARD NO. 3514

Case No. 115 Award No. 115

PARTIES

. Brotherhood of Maintenance of Way Employes

to

- and -

DISPUTE:

Consolidated Rail Corporation

STATEMENT OF CLAIM: Appeal of Welder, R. J. Higgins, to have his discipline of fifteen (15) days suspension removed from his record and compensated for lost earnings.

FINDINGS: Subsequent to an investigation, the Carrier determined that the Claimant had been insubordinate and that he had absented himself from duty without having obtained prior approval. The Carrier, in arriving at its measure of discipline, also considered the Claimant's prior disciplinary record.

The Board acknowledges and is not unmindful of the Organization's strong arguments and its persistent contention that the Claimant could not be held responsible for the mechanical problems with his vehicle and the subsequent delay to repairs. However, even accepting the Organization's arguments in their most favorable light, we conclude that the Carrier has met its burden of proof and that the discipline imposed was not an unreasonable use of Carrier's discretion under the circumstances brought forth in the record properly before us.

AWARD

The claim is denied.

J. Domzalski Carrier Member

Eckehard Muessig Neutral Member

J. P. Cassese Employee Member

Dated MAY 27 1986