

PUBLIC LAW BOARD - NO. 3514

Case 44

Award 44

PARTIES Consolidated Rail Brotherhood of Maintenance  
to Corporation and of Way Employees  
DISPUTE:

STATEMENT OF CLAIM: That Trackman C. Bujalske was unjustly dismissed from the service as a result of a hearing held on February 13, 1981, and that he be restored to service with seniority and all other rights unimpaired and with compensation for all time lost while out of service.

FINDINGS: The Claimant had been absent from work a number of days in December 1980 and January 1981. He states that his reasons for these absences primarily was a lack of suitable transportation to his work place and car pool problems.

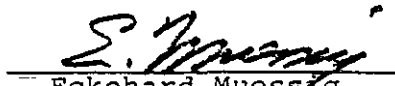
The record also indicates that the Claimant had had previous attendance problems.


While recognizing that the Claimant had difficulties with respect to obtaining transportation to his work site, these problems do not excuse or absolve him for his failure to properly protect his assignment. There is sufficient evidence to find that the Claimant was guilty as charged by the Carrier. Under the circumstances here, and in consideration of the Claimant's limited service time, the claim must fail.

AWARD

The claim is denied.

  
F. J. Domzalski  
Carrier Member

  
Eckehard Muessig  
Neutral Member

  
J. P. Cassese  
Employee Member

APR 11 1985