

PUBLIC LAW BOARD - NO. 3514

Case 47

Award 47

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

STATEMENT OF CLAIM: That B&B Mechanic J. Duffy, III was unjustly dismissed from the service of the Carrier, and that he be reinstated to service with seniority and other rights unimpaired and with compensation for all lost time while out of service.

FINDINGS: In this dispute, the Carrier dismissed the Claimant on the finding, made subsequent to an investigation, of unauthorized absences on a number of days during the period of January, February and March 1981. It then considered the Claimant's past attendance record and concluded that the total number of absences constituted an excess which it could not tolerate and which warranted dismissal.

The Organization argues certain due process violations, contending that some of the dates used by the Carrier to arrive at its determination of excessive absences on the part of the Claimant should not have been included. It provides its reasons for these assertions in the record before this Board.


While the Board has carefully considered the Organization's contentions, we do not find that the Claimant's rights have been violated. On the substantive issues, the Claimant had been put on

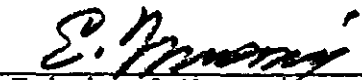
notice on three occasions as to the need to improve his attendance. He still did little to improve his pattern of reporting to work.

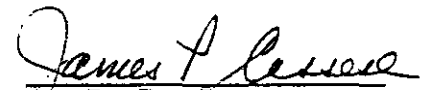
Accordingly, on the record here, the Carrier's conclusions have been reasonably drawn on the evidence presented, and we have no basis to sustain the claim.

AWARD

The claim is denied.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

APR 11 1985