

PUBLIC LAW BOARD NO. 3514

Case No. 609      Award No. 609

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

**STATEMENT OF CLAIM:**

Appeal of Plumber, M. L. Armstrong, to have his discipline of a thirty (30) day suspension set aside.

FINDINGS: Subsequent to an investigation, the Claimant was found guilty of a charge that he had taken a Carrier vehicle to his home, contrary to the direct order of his Supervisor not to do so.

The Board finds that the Carrier has met its burden of proof in this matter. Indeed, the Claimant at the hearing failed to directly respond to certain key questions asked and he provided somewhat evasive answers to other key questions. This manner of testimony did not help his cause.

**AWARD**

The claim is denied.

J. C. Amidon  
J. C. Amidon  
Carrier Member

*E. Muessig*  
Eckehard Muessig  
Neutral Member

Henry K. Geller, Sr.  
P. K. Geller, Sr.  
Organization Member

Dated: 1-8-96