

PUBLIC LAW BOARD NO. 3514

Case No. 64

Award No. 63

PARTIES Brotherhood of Maintenance of Way Employees
to and

DISPUTE: Consolidated Rail Corporation

STATEMENT OF CLAIM: Appeal by former Welder D. Rice from dis-
qualification from positions of Welder, Welder Helper and Welder
Laborer.

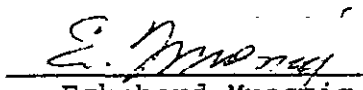
FINDING: Subsequent to an investigation, the Claimant was dis-
qualified when the Carrier found that he had been responsible for
a defective field weld that he and his gang had installed.

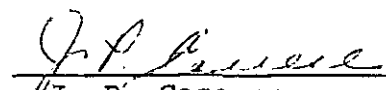
We have reviewed the record in its entirety and find evidence
which indicates that the Carrier did not exceed its discretion.
However, while the Board finds that the Claimant did not properly
perform his duties, at the time of the incident that led to this
dispute, the period of time since the violation occurred is
sufficient penalty under the circumstances herein. Accordingly,
we are satisfied that he should be afforded another opportunity to
serve as a Welder, Welder Helper or Welder Laborer.

AWARD

The disqualification will be removed, but no back pay will be due
the Claimant. Removal of the disqualification is to be effected
within thirty (30) days of the date of this Award.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

Dated: JUN 21 1985