

PUBLIC LAW BOARD NO. 3514

Case No. 61

Award No. 68

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


STATEMENT OF CLAIM: Appeal of Welder Helper D. Howell, to have his dismissal set aside and to be restored to the service.

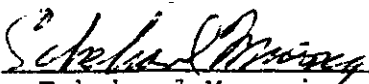
FINDING: This dispute arose after the Carrier found the Claimant guilty of the charge of failing to use good judgment and proper procedure in the use of a cutting torch. The Carrier principally relied upon the Claimant's own testimony and that of his Supervisors to reach its decision to dismiss the Claimant.

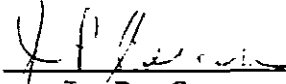
We have reviewed the record in its entirety and have found ample evidence which indicates that the Claimant did not properly perform his duties. Under the circumstances herein, in consideration of the damages caused by the Claimant's failure to observe proper procedures and with weight given to the Claimant's past disciplinary record, we find the claim to be without merit.

AWARD

The claim is denied.

  
F. J. Domzalski  
Carrier Member

  
Eckehard Muessig  
Neutral Member

  
J. P. Cassese  
Employee Member

Dated: AUG 20 1965