

Case No. 92                      Award No. 76

STATEMENT OF CLAIM: That the personnel record of Welder Helper, John A. Battista, be cleared and that he be restored to the service.


The Organization raised, and vigorously pursued, a number of contentions alleging that the Carrier erred both procedurally and substantively with respect to the claim.

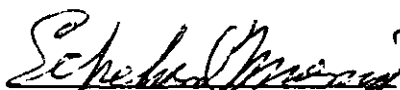
We have carefully analyzed the transcript of the investigation, as well as the arguments and key issues progressed by the parties. From this review, we find the Organization's contentions not without merit, given the facts of record. However, it is our finding that the Carrier did not misuse its discretion in this matter. Undoubtedly, there were other courses of action that could have been


legitimately considered by the Carrier, short of dismissal, given the various aspects and ramifications of this dispute. However, it is not incumbent upon us to substitute our judgment for that of the Carrier if there is evidence to support the finding of guilt. We find such evidence here.

AWARD

The claim is denied.

  
F. J. Domzalski  
Carrier Member

  
Ekehard Muessig  
Neutral Member

  
J. P. Cassese  
Employee Member

Dated: AUG 20 1985