

PUBLIC LAW BOARD NO. 3514

Case No. 95

Award No. 78

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

STATEMENT OF CLAIM: Appeal of Trackman, Calvin Moreland, to have his discipline of dismissal removed from his record and to be restored to the service.


FINDINGS: This claim arose after the Carrier found the Claimant to be in violation of a number of its rules, following the Claimant's arrest and incarceration for operating a Carrier vehicle while under the influence of "alcohol or dangerous substance".

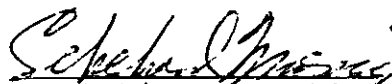
The Carrier relied upon the testimony adduced at the hearing, including the Claimant's admission of guilt to assess discipline.

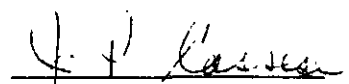
Given the finding of guilt, which is well supported by the record, and, in consideration of the Claimant's prior record, which is less than acceptable, the Board has no basis to set aside the decision of the Carrier.

AWARD

The claim is denied.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


W. P. Cassese
Employee Member

Dated: AUG 20 1995