

PUBLIC LAW BOARD NO. 3514

Case No. 96

Award No. 79

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

STATEMENT OF CLAIM: Appeal of Assistant Foreman, John Thomas, to have his discipline of dismissal removed from his record and to be restored to the service.


FINDINGS: Subsequent to an investigation, the Carrier found the Claimant to have been absent from his assignment on a number of days beginning in November 1978 through mid-March 1979. The Carrier determined that these absences were excessive and beyond tolerable standards. Accordingly, when considered with his past disciplinary record, dismissal from the service was not an arbitrary or capricious act on the Carrier's part.

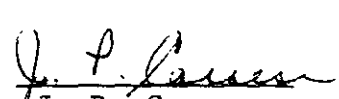
The evidence here is clear and convincing, and the Board concludes that it has no legitimate basis to set aside the Carrier's determination.

AWARD

The claim is denied.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

Dated: May 20, 1980