

PUBLIC LAW BOARD NO. 3514

Case No. 74

Award No. 85

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

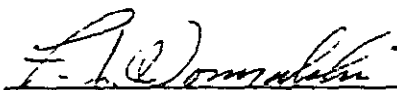
STATEMENT OF CLAIM: Appeal of Switch Inspector W. J. Cunningham
to have six (6) days' suspension removed.

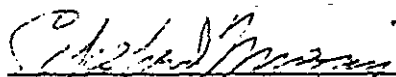
FINDINGS: The Claimant was charged with failure to report a
difference in elevation in a cross level at a switch and take
corrective action. The Carrier contends that this caused a
derailment.

The Board has thoroughly reviewed the record before it and
we find that the evidence supports the Carrier's findings that
the Claimant did not properly perform his assigned duties. The
discipline assessed cannot be considered excessive, given the
nature of the offense and in consideration of the Claimant's past
disciplinary record.

AWARD

The claim is denied.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

JAN 23 1986