

PUBLIC LAW BOARD NO. 3514

Case No. 75 Award No. 86

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


STATEMENT OF CLAIM: Appeal by Trackman James Dean to have
twenty (20) days actual suspension removed.


FINDINGS: Subsequent to an investigation, the Claimant was found
guilty of the charge of leaving his job on two separate occasions
after four hours of duty to go to a credit union. The Carrier
concluded that the Claimant's failure to cover his assignment,
when considered in the light of past infractions of the same
nature, warranted the assessment of twenty (20) days suspension
for being excessively absent.


This Board, as well as many others, has found that the
Carrier is not unreasonable when it expects regularity of work
attendance in order that it may manage its operations. The Claimant
here acknowledged that he did not properly cover his work assign-
ment as initially charged. Accordingly, the Carrier, in considera-
tion of the Claimant's past record, cannot be said to have been
arbitrary or capricious in assessing the penalty.

AWARD

The claim is denied.


F. J. Domzalski
Carrier Member


Eckehard Müessig
Neutral Member


J. P. Cassese
Employee Member

JAN 23 1986