

PUBLIC LAW BOARD NO. 3514

Case No. 76

Award No. 87

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

STATEMENT OF CLAIM: Appeal of Trackman Mark Amatelli to have ten (10) days suspension removed.

FINDINGS: Subsequent to a trial, which was held in absentia, and after it had been postponed once, the Claimant was found guilty of failure to properly secure welding equipment. For this offense, he was suspended for ten (10) days.

This Board has stated on a number of occasions that it does not lightly deal with an investigation in which the Claimant does not participate. In the instant case, we note that the Claimant was adequately notified of the hearing and he was duly represented. Under these circumstances and after a close review of the total record and evidence before us, we find that the proceedings were conducted in a fair and impartial manner.

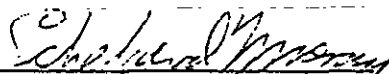
Turning to the substance of this matter, we are satisfied that the evidence developed at the investigation substantially supports the Carrier's findings that the Claimant did not properly protect the equipment entrusted to him. The evidence shows that he had been instructed to take welding equipment either to his home or to a Carrier official. The Claimant did neither and the equipment disappeared.

The Board has no legitimate basis to set aside the discipline assessed and the appeal is denied.

AWARD

As specified in the findings.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

JAN 23 1986