

PUBLIC LAW BOARD NO. 3514

Case No. 84

Award No. 73

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

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


FINDINGS: The Claimant had been absent from his work site a number of days in January, February and March 1979. Subsequent to an investigation, held in absentia, he was found guilty of the charges of excessive absenteeism.

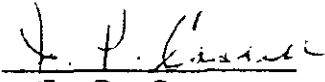
The Claimant, of his choice, was not present at the investigation held in connection with his alleged violation. As stated many times, the Board does not favor investigations which do not include the testimony of the person charged. However, it is clear that the Claimant's failure to appear was of his choice. Moreover, we find that the hearing was conducted in a proper manner and that the Carrier's decision to dismiss the Claimant is supported by the evidence before us.

AWARD

The claim is denied.


F. J. Domzalski
Carrier Member


ECKEHARD MUESSIG
Neutral Member


J. P. Cassese
Employee Member

Dated: AUG 20 1979