

PUBLIC LAW BOARD NO. 3765

Parties
to the
Dispute

CONSOLIDATED RAIL SYSTEM FEDERATION
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

GRAND TRUNK WESTERN RAILROAD COMPANY

Case No. 17
Award No. 11

STATEMENT OF CLAIM

- (a) The dismissal of Trackman C. P. Flowers was excessive and based upon unproven charges, and therefore was arbitrary and capricious.
- (b) Claimant Flowers shall be reinstated into Carrier's service, with seniority rights restored, and shall be compensated for all lost wages, including overtime.

OPINION OF THE BOARD

Claimant C. P. Flowers, a Trackman in Carrier's employ was charged as follows:

...to determine your responsibility, if any, for alleged excessive absenteeism and tardiness on the following dates:

Tuesday - July 17, 1984 - 1½ hours
 Wednesday - July 18, 1984 - 8 hours
 Thursday - July 19, 1984 - 8 hours
 Friday - July 20, 1984 - 8 hours
 Tuesday - July 24, 1984 - 8 hours
 Wednesday - July 25, 1984 - 3½ hours
 Thursday - July 26, 1984 - 1 hour
 Monday - July 30, 1984 - 8 hours
 Tuesday - July 31, 1984 - 8 hours
 Wednesday - Aug. 1, 1984 - 8 hours

Claimant's past record is as follows:

11-22-79	30 Demerits	Disobeying a direct order from a superior.
7-07-80	25 Demerits	Absent without authority for a three-week period.
10-22-81	3 Days Suspension	Failure to protect his assignment on two dates.
11-17-81	32 Days Suspension	Misuse of company gasoline.
6-30-82	10 Demerits	Failure to protect his position on four dates.
8-23-82	5 Days Suspension	Failure to protect assignment and absenteeism on four dates.
7-29-83	20 Demerits	Excessive absenteeism covering nine dates.
5-25-84	5 Days Suspension	Excessive absenteeism covering seven dates.

A hearing into the charges was held on September 12, 1984. Claimant was found guilty as charged and dismissed from Carrier's service on October 1, 1984. This Board has reviewed the record of this case

and must conclude that Carrier is not required to keep an employe with Claimant's record on its payroll. Claimant has been a troublesome employe almost from the first month he was hired. Carrier acted appropriately in this instance.

AWARD

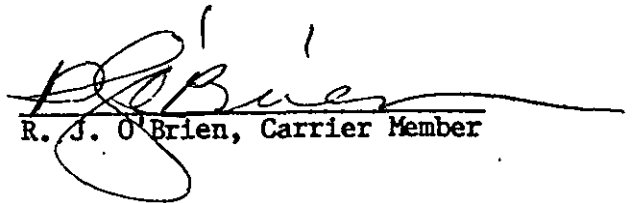
The claim is denied.



R. E. Dennis, Neutral Member



W. E. LaRue, Employe Member



R. J. O'Brien, Carrier Member

Nov. 20, 1987
Date of Adoption