

PUBLIC LAW BOARD NO. 3765

Parties  
to the  
Dispute

GRAND TRUNK WESTERN RAILROAD COMPANY

vs.

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

Case No. 16  
Award No. 16

STATEMENT OF CLAIM

W. R. Ide Dismissal - request that he be returned to service and paid for all time held out of service.

OPINION OF THE BOARD

Claimant W. R. Ide was employed as a Trackman in April 1973. On December 4, 1986, he was removed from service account accumulated a total of 85 demerits. Claimant's last assessment of demerits (30) was as a result of his failure to protect his assignment on six days in September 1986.

This Board has reviewed the total record and concludes that Claimant was, as indicated by Carrier, a time and attendance abuser and that severe discipline was in order. The Board, however, notes that Claimant had serious legal problems involving the custody of his daughter and that during September 1986, when he was absent from

work, he was ordered into court. The Board also notes that Claimant had such a bad past attendance record that he could not expect any special consideration from Carrier for any absences.

At the hearing before this Board, Claimant requested an opportunity to speak and it was granted. Claimant explained his past family problems and stated that he now has complete custody of his child and his family problems in that regard are over. He also declared that if given another chance, he would become an exemplary employee for Carrier. In light of Claimant's declaration and the circumstances of his absences in September 1986, this Board has concluded that justice would be served in this instance by affording Claimant the chance he requested. We therefore direct that Claimant be restored to work on a last-chance basis with seniority but without pay for lost time or benefits. Claimant should be on notice that his continued employment with Carrier depends on his ability to follow through on his statement that he will be an exemplary employee. He shall be required to report to work every day on time and observe all rules and regulations. Claimant should counsel with his Union representatives and local supervisor to discover just what is required of him when he finally returns to work.

AWARD

Claim is sustained per Opinion of the Board.

R. E. Dennis  
R. E. Dennis, Neutral Member

R. J. O'Brien  
R. J. O'Brien, Carrier Member

W. E. LaRue  
W. E. LaRue, Employee Member

5-23-88  
Date of Adoption