

PUBLIC LAW BOARD NO. 3765

Parties
to the
Dispute

CONSOLIDATED RAIL SYSTEM FEDERATION
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

vs.

GRAND TRUNK WESTERN RAILROAD COMPANY

Case No. 3
Award No. 6

STATEMENT OF CLAIM

- (a) The dismissal of Trackman Roger J. Hansen was excessive and therefore arbitrary and capricious.
- (b) Claimant Hansen shall be reinstated into Carrier's service, with seniority rights restored, and shall be compensated for all lost wages.

OPINION OF THE BOARD

Claimant was hired on June 13, 1977. His past record prior to being charged in October 1979 is as follows:

2-9-79	15 Demerits	Failure to protect job assignment at Holly, Gang #35, on February 2, 5 and 8, 1979.
3-7-79	25 Demerits	Failure to protect job assignment at Holly, Gang #35, March 2, 5 and 6, 1979.
5-31-79	20 Demerits	Failure to protect assignment on Tie Gang #1 on May 9, 21, 29, 30 and 31, 1979.

On October 17, 1979, Claimant was charged as follows:

...to determine your responsibility, if any, for failure to protect your job assignment as Trackman Durand on the dates October 8, 11, 12 and 15, 1979....

The hearing was held as scheduled on October 29, 1979. Claimant was found guilty and dismissed from Carrier's service.

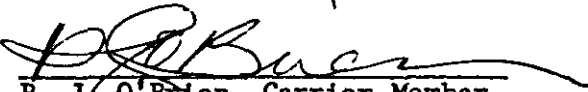
Given Claimant's guilt of the October 17 charges and his past record of failing to protect his assignment on many occasions, this Board can only support Carrier's actions in this instance.

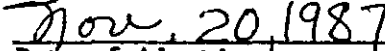
AWARD

The claim is denied.


R. E. Dennis, Neutral member


W. E. LaRue, Employee Member


R. J. O'Brien, Carrier Member


Date of Adoption