

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. 60

STATEMENT OF CLAIM

We wish to appeal the decision rendered in the case of Mr. D. Petrous, Trackman, who was issued discipline in the form of 5 days suspension upon recall from furlough as a result of an investigation held January 27, 1992 at Pontiac, Michigan.

In our opinion Mr. Petrous was innocent of the charge and request the 5 day suspension be removed from his record and that he be recalled from furlough in accordance with his seniority.

OPINION OF THE BOARD

At the time of the incident that gave rise to this dispute, Claimant Daniel Petrous was employed as a second class Machine Operator/Trackman. On Wednesday, January 15, 1992, he was assigned with a train crew to clear snow

from switches on the Romeo Subdivision. When the train crew finished working, they left the property. Claimant also left the property at the same time (at about 1300 hours), three hours before his quitting time. When Carrier learned that Claimant had left the property prior to his quitting time without permission and his time for the day did not reflect an early quit, he was charged as follows:

This formal investigation is to determine your responsibility, if any, for allegedly defrauding the Carrier by not reporting to your Foreman, R. Mata, that you left early on Wednesday, January 15th at approximately 1300 hours and were subsequently paid for time not worked from approximately 1300 hours until 1600 hours.

A hearing in the matter was held on January 27, 1992. A transcript of that hearing has been made a part of the record of this case. As a result of the investigation, Claimant was found guilty as charged and assessed a five-day Suspension.

This Board has reviewed the hearing transcript, as well as all material submitted into the record by both parties. As a result of that review the Board concludes that Claimant

was guilty as charged and that a five-day Suspension was reasonable, given all the facts. We find no basis on which to modify Carrier's action in this case.

AWARD

The claim is denied.

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

K.R. Mason
K.R. Mason, Employee Member

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

January 6, 1994
Date of Approval