

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. 4
Award No. 7

STATEMENT OF CLAIM

- (a) The dismissal of Trackman Jay L. Newton was excessive, arbitrary, and capricious, and Claimant was denied a fair and impartial hearing in that Carrier failed to adequately notify him of the charges.
- (b) Claimant Newton 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 J. L. Newton was hired as a Trackman in April 1976. On July 7, 1980, he was charged as follows:

...to determine your responsibility, if any, for alleged failure to protect your assignment as Trackman, Battle Creek Maintenance Gang, on June 17 and 18, 1980....

A hearing into the matter was held on July 14, 1980. Claimant was found guilty as charged and dismissed from Carrier's service.

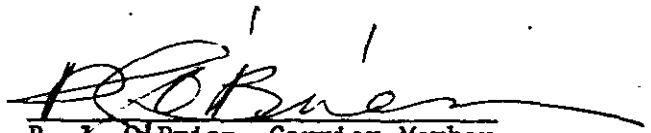
This Board has reviewed numerous cases involving Claimants who do not keep regular attendance. We have remarked in the past when confronted with absenteeism cases that Carrier need not retain on its roles employees who do not come to work on a regular basis. We see no reason to conclude differently in this instance. Carrier did not act in an arbitrary or capricious manner and Claimant's dismissal was appropriate.

AWARD

The claim is denied.


R. E. Dennis, Neutral Member


W. E. LaRue, Employe Member


R. J. O'Brien, Carrier Member


Date of Adoption