

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. 6
Award No. 9

STATEMENT OF CLAIM

- (a) The dismissal of Crossing Watchman J. F. Gambee was excessive and based upon unproven charges, and therefore was arbitrary and capricious.
- (b) Claimant Gambee shall be reinstated into Carrier's service, with seniority rights restored, and shall be compensated for all lost wages.

OPINION OF THE BOARD

Claimant J. F. Gambee was hired as a Crossingman on May 10, 1971. On November 18, 1980, he was charged with three incidents of sleeping on duty and one incident of failing to activate the crossing warning devices. Claimant was assigned to Sample Street Tower in South Bend, Indiana, during this period. A hearing into the charges was held on

November 26, 1980. Claimant was found guilty and dismissed from Carrier's service.

This Board has reviewed the record and must conclude that Carrier was justified in removing Claimant for sleeping on a critical job.

AWARD

The claim is denied.

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

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

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

Nov. 20, 1987
Date of Adoption