

PUBLIC LAW BOARD NO. 5418

Case No. 20 Award No. 20

PARTIES Brotherhood of Maintenance of Way Employes
to - and -
DISPUTE: Springfield Terminal Railway Company

STATEMENT OF CLAIM:

Appeal of the discipline of dismissal
assessed Maurice Leduc, effective
August 26, 1997.

FINDINGS: The issue herein came about because of the claimant's failure to comply with the Carrier's July 1, 1997 directive, wherein, due to his continued unauthorized absence, he was instructed to immediately arrange for an appointment with the Carrier's Medical Review Officer (MRO). He was also advised that failure to comply with the instructions would result in charges of insubordination.

At claimant's August 21, 1997 hearing, which was held in absentia, the Carrier introduced documents which showed that beginning in April 1997, the Carrier had made several attempts to have the claimant arrange for an appointment with Carrier's MRO for the purpose of reviewing his physical condition. The record shows that claimant was non-responsive, in that he neither contacted the Carrier or furnished them with the medical documentation they requested.

We thoroughly reviewed the record and it cannot be properly said that Carrier lacked substantial evidence for concluding that claimant was guilty of the charge. However, while the Board does not in any way minimize the seriousness of the violation, because it may warrant dismissal, we note that claimant

Awd No. 20

PLB No. 5418 C-20/A-20

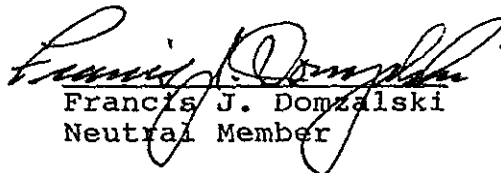
Page 2

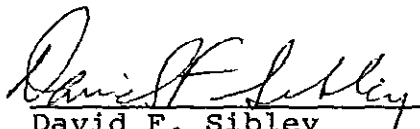
has 27 years of discipline free service which prompts this Board to afford him another opportunity to become a valuable employee.


Accordingly the claimant shall be restored to service, but without any back pay. The claimant is to understand that the purpose of this Award is to give him another chance, and the lengthy suspension without pay will emphasize the gravity of this situation. His return to service will be subject to the following:

Within 10 days of his receipt of this Award, claimant must meet with Carrier's MRO for a physical evaluation and furnish them with medical documentation from his physician.

AWARD: As specified in the Findings.


Francis J. Domzalski
Neutral Member

 I dissent!
David F. Sibley
Carrier Member


Bradley A. Winter
Organization Member

Dated: 3-25-28