

**PUBLIC LAW BOARD NO. 5418**

**Case No. 64**

**Award No. 64**

**PARTIES**

**to**

**DISPUTE:**

Brotherhood of Maintenance of Way Employees

-and-

Springfield Terminal Railway Company

**STATEMENT OF CLAIM:**

Claim on behalf of Christopher Aceto, in connection  
with him being assessed discipline on October 4, 2006.

**FINDINGS:**

The issue under dispute stems from the Carrier charging the claimant, an employee with two  
(2) years of service, with the following offense:

“your responsibility, if any, in connection with the  
following charge:

**Excessive Absenteeism and Tardiness**

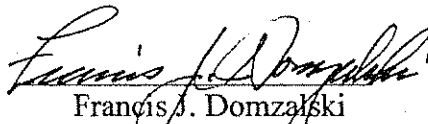
Specifically, you have had six (6) unexcused absent  
work days and ten and one-half (10.5) hours tardiness  
so far in 2006. This is in excess of the shop average  
for the rest of the Billerica Shop Employees.”

Following a formal investigation held on September 27, 2006, the Carrier found the claimant  
guilty of the offense for which he was charged and assessed him discipline in the form of a three  
(3) day actual suspension.

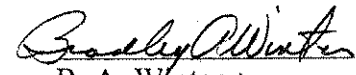
The Board has thoroughly reviewed the undisputed evidence introduced at the formal  
investigation, and find that, despite receiving prior coaching and counseling for attendance  
related issues, the claimant's record is still not satisfactory. The record show that during the  
period January 13, 2006 to September 27, 2006, the claimant was absent six (6) days and late on  
twelve (12) occasions.

Clearly, the Carrier has every right to expect regularity of its work force so it may properly manage its operation. Hence, the Board finds, that in light of the evidence presented and claimant's relatively short tenure, we conclude the Carrier was on valid ground when it assessed discipline. Thus, we will not alter their decision.

**AWARD:** The claim is denied.

  
Francis J. Domzalski  
Neutral Member

  
A. F. Lomanto  
Carrier Member

  
B. A. Winter  
Organization Member

Dated: 5-22-2007