

PUBLIC LAW BOARD NO. 5418

Case No. 65

Award No. 65

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 November 20, 2006.

FINDINGS: The issue under dispute stems from the Carrier charging the claimant with
the following offense:

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

Excessive Tardiness

Specifically, you have been tardy three (3) times thus
far in the month of October. These three (3) incidents
of tardiness have all occurred after you were disciplined
following last month’s hearing given to you regarding
absenteeism and tardiness.”

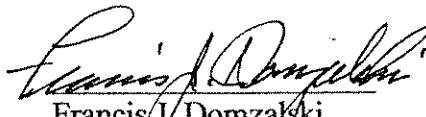
Following a formal investigation held on November 7, 2006, the Carrier found the
claimant guilty of the offense for which he was charged and assessed him discipline in
the form of a seven (7) calendar days suspension.

In light of the evidence brought forth in the record, the Board finds that no useful
purpose would be served to elaborate on the facts and testimony adduced at claimant’s
hearing. Suffice it so say, that despite the fact that the claimant attended an investigation
on September 27, 2006, involving the charge of absenteeism/tardiness, his record clearly
shows that his punctuality at work has not improved.

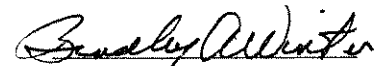
Based on the record presented, the Board concludes the Carrier did not misuse its discretion

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