

PUBLIC LAW BOARD NO. 5418

Case No. 72

Award No. 72

PARTIES
to
DISPUTE:

Brotherhood of Maintenance of Way Employees
-and-
Pan Am Railways

STATEMENT OF CLAIM:

Appeal of the dismissal of Raymond P. Williams

FINDINGS: This dispute arose as a result of the claimant being charged with the following offense:

“your responsibility, if any, relating to the following charges:

Excessive Absenteeism

Specifically, since May 15, 2007, you have had 8 unexcused absent work days and 2 days that you left early without notifying a supervisor. This is in excess of the Track Department average for the rest Engineering employees.”

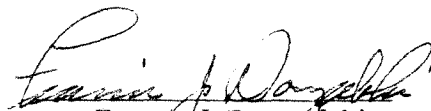
Following a formal investigation, which was postponed 5 times and eventually held in absentia, the Carrier found the claimant guilty of the above offense, and assessed him discipline in the form of being dismissed from service effective July 24, 2008.

In light of the Boards denial decision in Award No. 71, the issue herein is rendered moot.

Therefore, the claim is dismissed.

AWARD: The claim is dismissed


A. F. Lomanto
Carrier Member


Francis J. Domzalski
Neutral Member


B. A. Winter
Organization Member

Dated: 9-9-2009