PUBLIC LAW BOARD NO. 6461

Case No. 4

Award No. 4

PARTIES

Brotherhood of Maintenance of Way Employes

Τo

- and -

DISPUTE:

Grand Trunk Western Railway

STATEMENT OF CLAIM:

Appeal of the discipline of dismissal imposed

on Jose Rodriguez, Jr., effective 9/6/01.

FINDINGS: The issue under dispute resulted from the Carrier charging the claimant

with lateness and unauthorized absence from his assignment, in that, he was late three

and a half hours on July 12 and absent on July 10 and 31, 2001.

Records introduced at claimant's hearing shows he failed to protect his assignment on

the dates cited in the charge and, in consideration of his previous attendance record, the

Carrier concluded that his absences were excessive and beyond reasonable standards.

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 his past disciplinary record, eight of which involved absenteeism, we

conclude the Carrier did not misuse its discretion when it assessed discipline.

AWARD: The claim is denied.

Carrier Member

Perry K. Geller, Sr.

Organization Member

Dated: 1-17-02