

Award No. 7
Case No. 24

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employes
and
Louisville and Nashville Railroad Company

STATEMENT
OF
CLAIM:

1. Dismissal of R. M. Mahan because of alleged "unsatisfactory work performance" and alleged "attitude" of disinterest and dissatisfaction was without just or sufficient cause.
2. Claimant shall be reinstated and granted all other benefits and remedies.

FINDINGS:

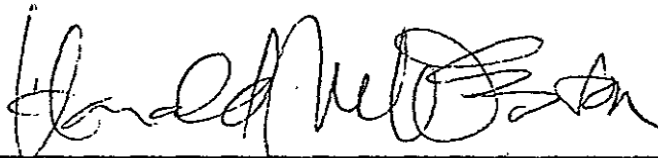
Claimant, a track repairman with about three years service, was dismissed for poor work performance. The record contains evidence consisting of credible testimony by Foreman Williams that claimant's work had been unsatisfactory for a number of months before his discharge and that Williams had informed the General Chairman of that observation about two

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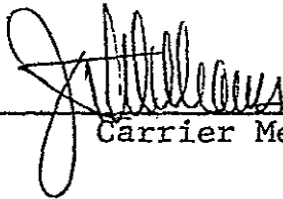
months prior to discharge. It is also the Foreman's testimony that he finally felt he had no alternative but to dismiss claimant when he found him slowing up and disrupting a job. Claimant failed to report for work the following day and did not offer a persuasive reason for failing to report or to notify his foreman that he would be absent.

AWARD: Claim denied.

Adopted at Louisville, Kentucky,
December 10, 1979.



Harold M. Weston, Chairman



Carrier Member



Employee Member