

PUBLIC LAW BOARD NO. 2556

Award No. 29

Case No. 35

File No. MW-399

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Southern Railway Company

Statement

of Claim: Claim on behalf of former DeButts Yard Track Laborer J. W. Jones asking that he be reinstated with seniority and other rights unimpaired and that he be paid for all lost time as a result of his dismissal on August 17, 1981 for failure to protect his assignment and for unsatisfactory attendance and work records.

Findings: The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated October 17, 1979, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant, prior to August 13, 1981, was employed as a Track Laborer in a Track Gang at Carrier's Chattanooga, Tennessee DeButts yard.

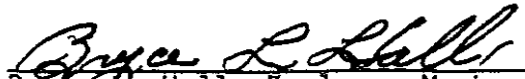
He was notified to attend a formal investigation to be held on August 18, 1981 on the charge that his attendance record and work record pertaining to safety would be reviewed and that he had failed to properly protect his assignment on August 13, 1981.

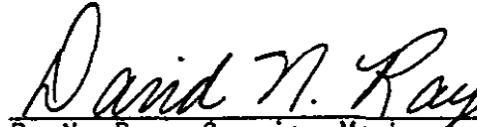
As a result of the formal investigation, Carrier concluded Claimant to be guilty as charged. He was dismissed from service as discipline therefor.

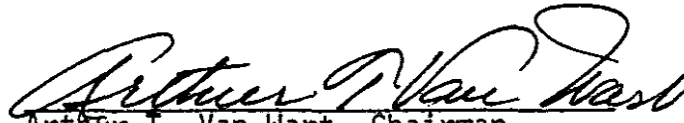
The Board finds that Claimant was accorded the due process to which entitled.

There was sufficient evidence adduced to support Carrier's conclusion as to Claimant's guilt. In view of Claimant's propensity for not protecting his assignment, the discipline, dismissal, assessed is deemed to be reasonable. This claim will be denied.

Award: Claim denied.


Bryce L. Hall, Employee Member


D. N. Ray, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued September 10, 1983.