

PUBLIC LAW BOARD NO. 3514

Case No. 117 Award No. 104

PARTIES Brotherhood of Maintenance of Way Employees
- to - and -
DISPUTE: Consolidated Rail Corporation

STATEMENT OF CLAIM: Appeal of Trackman H. M. Buza to have ten (10) days actual suspension removed from his record.


FINDINGS: The Claimant was charged and found guilty, subsequent to an investigation, of unauthorized absences on two days in January and one day in February 1985 for which he was disciplined, as noted above.

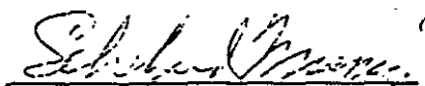
The Organization, both in the record and before this Board, strongly asserts that the Claimant was blameless of any wrongdoing. It contends that his absences on the three dates charged occurred because of circumstances beyond his control.

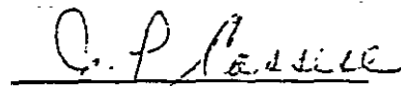
The Board finds, on the evidence before it, that certain mitigating factors were not given sufficient weight by the Carrier. Accordingly, while the Claimant did not fully fulfill his responsibilities, given mitigation and in consideration of his twelve (12) years of good service, the ten days discipline assessed is excessive under the circumstances of this record.

AWARD

The claim is sustained to the extent that the ten days suspension is reduced to five days.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

Dated: FEB 27 1988