PUBLIC LAW BOARD NO. 3514

Case No. 109 Award No. 108

PARTIES

Brotherhood of Maintenance of Way Employes

to

- and -

DISPUTE:

Consolidated Rail Corporation

STATEMENT OF CLAIM: Appeal of I & R Foreman, T. M. Trupo, to have a ten-day suspension removed from his record.

FINDINGS: Subsequent to a hearing held on April 25, 1985, the Carrier found that the Claimant had failed to properly inspect and/or report certain track defects during the month of February 1985.

The Organization vigorously argues that the Claimant was not afforded a fair hearing and that the Carrier has not met its burden of proof for the charges.

The Board finds, both on the issue of fairness and the substantive aspects of this dispute, that the claim cannot be sustained. The evidence adduced at the hearing convincingly shows that the Claimant did not properly perform his duties. The discipline assessed, given the serious nature of the offenses, cannot properly be said to be an abuse of the Carrier's discretion.

<u>AWARD</u>

The claim is denied.

H.J. Domzalski

Carrier Member

Eckehard Muessig

Neutral Member

J. P. Cassese

Employee Member

Dated:

MAY 27 933