

PUBLIC LAW BOARD - No. 3514

Case No. 123 Award No. 118

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

STATEMENT OF CLAIM:

Appeal of Trackman J. G. Sherwood to have his discipline of dismissal set aside and to be restored to the service.

FINDINGS: The basic matter under dispute here results from the Carrier's charge that the Claimant had been excessively absent from his work without proper authority. Subsequent to an investigation, held in absentia, the Carrier found the Claimant guilty of the charge and he was dismissed from the service.

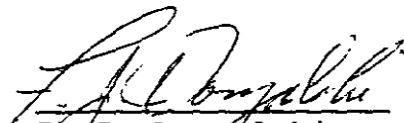
The Board is not unmindful of the Organization's vigorous arguments in the record and before us. However, here it is clear that the Claimant was given a number of opportunities to participate in the investigation surrounding the charges against him. While the Board does not favor investigations in which the Claimant does not participate, his failure to appear was of his choice. We find that the hearing was conducted in a proper manner and that he was well and actively defended.

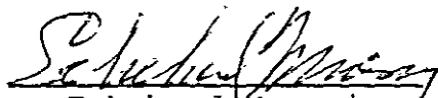
Further, the Board finds that the Carrier's decision in this case was based upon valid considerations and, accordingly, we have

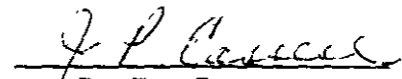
no basis to disturb the discipline assessed under the circumstances
of this record.

AWARD

The claim is denied.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

Dated: DEC 4 1988