

Award No. 14
Case No. 21

Public Law Board No. 3514

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employes
and
Consolidated Rail Corporation

STATEMENT
OF
CLAIM:

Claim by Trackman Anthony Tuchalski for reinstatement and reimbursement for all loss of pay resulting from his dismissal on August 18, 1975.

FINDINGS:

Claimant, an employee with two years service, was dismissed for walking off his job, refusal to perform assigned work and excessive absenteeism.

Foreman Gomez testified that on July 22, 1975, he told claimant to put on plates and claimant refused to do so. According to Gomez, claimant replied, "I'm walking off. I'm not going to put on any plates."

It appears that putting on plates is a normal part of claimant's gang's work. The record does not establish that claimant was singled out for unfair treatment or that he had a valid excuse for refusing to comply with an unambiguous work order. Nor was there any satisfactory explanation offered for his eight absences in July and August 1975; he had been disciplined on two earlier occasions for absenteeism.

We find no basis on this record for substituting our judgment for that of claimant in this matter.

AWARD: Claim denied.

Adopted at Philadelphia, Pa., October 4, 1984.



Harold M. Weston, Chairman



Carrier Member



Employee Member