

Award No. 22
Case No. 29

Public Law Board No. 3514

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Consolidated Rail Corporation

STATEMENT
OF
CLAIM:

Appeal by R. Seabolt from Carrier's decision to
dismiss him on June 10, 1980.

FINDINGS:

Claimant, a machine operator with 3 1/2 years
service, was missing from his assignment on
May 8, 1980, after the lunch period. He had no
authority to be absent.

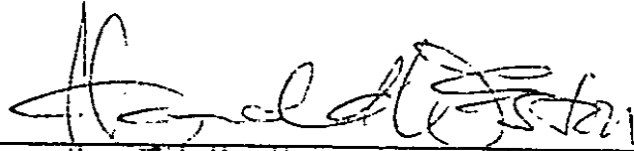
According to claimant, he had to leave his assign-
ment due to a painful dental condition. While he testified that
he consulted a dentist at the Ohio State Dental College the follow-
ing day, the record shows that he was treated there for the first
time on July 11, 1980.

No sound basis is perceived in this record for
setting aside the dismissal. It was appropriate that Carrier con-
sider, in determining the amount of discipline, that claimant had
been suspended in February 1977 for property destruction and dis-
missed on October 11, 1977 for insubordination (he was subsequently
restored to service on that occasion).

AWARD:

Claim denied.

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



Harold M. Weston, Chairman



Carrier Member



Employee Member