

PUBLIC LAW BOARD - NO. 3514

Case 42

Award 42

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

STATEMENT OF CLAIM: That Trackman J. J. Korack was unjustly dismissed from the service on October 23, 1981 as a result of a hearing held on October 14, 1981, and that he be restored to service with seniority and other rights unimpaired and compensation for all lost time while out of the service.

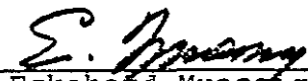
FINDINGS: The Carrier, after an investigation, found that the Claimant had eight days of unauthorized absence, beginning on September 28, 1981. On this finding, it then considered and gave weight to his past attendance record, which was not a good one, and dismissed the Claimant from its service.

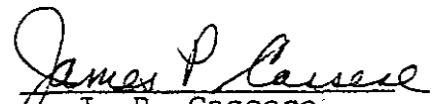
The Board, while not unmindful of the Organization's account of the Claimant's personal problems and his efforts to overcome them, finds that there is substantial evidence in support of the charge. Accordingly, given the Claimant's past record, the Carrier's actions cannot be said to be arbitrary or capricious.

AWARD

The claim is denied.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

APR 11 1982