

PUBLIC LAW BOARD NO. 3514

Case No. 59

Award No. 61

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

STATEMENT OF CLAIM: Appeal by former Welder-Foreman T. Milo from disqualification from position of Welder and Welder-Foreman.

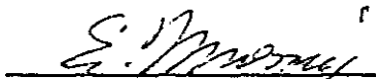
FINDING: Claimant's disqualification was decided upon after the Carrier found, subsequent to a hearing held on February 26, 1981, that he did not properly perform his duties by allowing a defective weld, installed by the gang under his jurisdiction, to remain in the track. To arrive at its findings, the Carrier relied upon the testimony of its officials who inspected the weld in question and the admission of the Claimant with respect to the quality of his work.

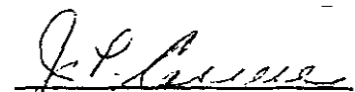
The Board finds that, while the Claimant was remiss in the execution of his duties, the period of time since the violation occurred is sufficient penalty. We are satisfied from our examination of the record that he should be afforded another opportunity to serve as a Welder-Foreman and Welder.

AWARD

The disqualification will be removed, but no back pay will be due the Claimant. Removal of the disqualification is to be effected within thirty days of the date of the award.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

Dated: JUN 21 1985