## PUBLIC LAW BOARD NO. 3514

Case No. 62 Award No. 62

PARTIES Brotherhood of Maintenance of Way Employes

to a

DISPUTE: Consolidated Rail Corporation

STATEMENT OF CLAIM: Appeal by former Foreman J. Caldwell from disqualification from position as Foreman.

FINDING: In this dispute, the Claimant's disqualification was decided upon after the Carrier determined, subsequent to a hearing held on April 2, 1981, that he had failed to properly perform his assigned duties as a Foreman in charge of the use of stopsigns.

On the basis of our review of the evidence, it cannot be properly said that the Carrier lacked reason for deciding that the Claimant's actions were so serious that they merited disqualification.

However, while the Claimant was remiss in the execution of his duties, the period of time since the violation is sufficient penalty, under the circumstances herein. We are satisfied from our examination of the record that he should be afforded another opportunity to serve as Foreman.

## 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 (30) 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