

PUBLIC LAW BOARD NO. 3514

Case No. 64

Award No. 63

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

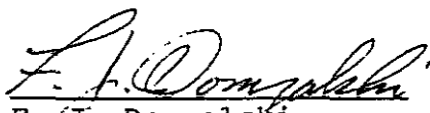
STATEMENT OF CLAIM: Appeal by former Welder D. Rice from dis-  
qualification from positions of Welder, Welder Helper and Welder  
Laborer.

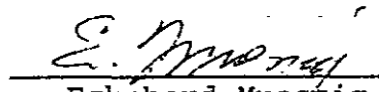
FINDING: Subsequent to an investigation, the Claimant was dis-  
qualified when the Carrier found that he had been responsible for  
a defective field weld that he and his gang had installed.

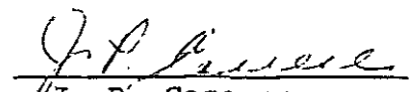
We have reviewed the record in its entirety and find evidence  
which indicates that the Carrier did not exceed its discretion.  
However, while the Board finds that the Claimant did not properly  
perform his duties, at the time of the incident that led to this  
dispute, the period of time since the violation occurred is  
sufficient penalty under the circumstances herein. Accordingly,  
we are satisfied that he should be afforded another opportunity to  
serve as a Welder, Welder Helper or Welder Laborer.

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 this Award.

  
F. J. Domzalski  
Carrier Member

  
Eckehard Muessig  
Neutral Member

  
J. P. Cassese  
Employee Member

Dated: JUN 21 1985