

PUBLIC LAW BOARD NO. 3514

Case No. 68

Award No. 66

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

STATEMENT OF CLAIM: Appeal by B&B Mechanic D. Henriques, to have fifteen (15) days actual suspension removed.

FINDING: The Claimant was notified to attend an investigation on the following charges: Failure to report to work location promptly; failure to follow instructions from proper authorities and perform duties efficiently and safely; failure to devote himself exclusively to the Company's service while on duty; insubordination and willful disregard of the Company's interest in that work was not performed as prescribed.


Subsequent to the investigation, the Claimant was notified that he had been found guilty and was suspended as noted above.

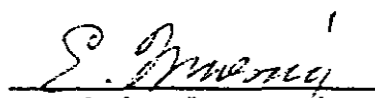
The Board, after a thorough review of the record, finds that the facts and circumstances here do not provide a proper basis for the discipline assessed. In this respect, we note that the Claimant's Supervisor, at the time of this incident, had been suspended for thirty (30) days. However, the Carrier, upon his appeal, lowered the suspension to a reprimand. Accordingly, the Board finds that the measure of discipline assessed the

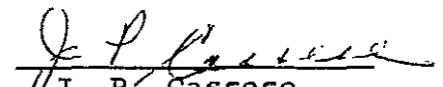
Claimant does not appropriately give weight to the respective responsibilities of the Claimant and his Foreman. Therefore, to be consistent in the application of discipline, the suspension is set aside.

AWARD

The claim is sustained and the Claimant will be paid for the fifteen (15) days that he was suspended, such payment 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