

PUBLIC LAW BOARD NO. 3514

Case No. 76

Award No. 87

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

STATEMENT OF CLAIM: Appeal of Trackman Mark Amatelli to have
ten (10) days suspension removed.

FINDINGS: Subsequent to a trial, which was held in absentia,
and after it had been postponed once, the Claimant was found
guilty of failure to properly secure welding equipment. For
this offense, he was suspended for ten (10) days.

This Board has stated on a number of occasions that it does
not lightly deal with an investigation in which the Claimant does
not participate. In the instant case, we note that the Claimant
was adequately notified of the hearing and he was duly represented.
Under these circumstances and after a close review of the total
record and evidence before us, we find that the proceedings were
conducted in a fair and impartial manner.

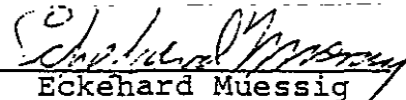
Turning to the substance of this matter, we are satisfied
that the evidence developed at the investigation substantially
supports the Carrier's findings that the Claimant did not properly
protect the equipment entrusted to him. The evidence shows that
he had been instructed to take welding equipment either to his home
or to a Carrier official. The Claimant did neither and the equip-
ment disappeared.

The Board has no legitimate basis to set aside the discipline assessed and the appeal is denied.

AWARD

As specified in the findings.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

JAN 23 1988