PUBLIC LAW BOARD NO. 3514

Case No. 77

Award No. 88

PARTIES

Brotherhood of Maintenance of Way Employes

to

-and-

DISPUTE:

Consolidated Rail Corporation

STATEMENT OF CLAIM:

Appeal of Assistant Foreman Donald Jay to have thirty (30) days' actual suspension removed.

FINDINGS: The Claimant herein was charged with, and found guilty subsequent to a trial, of being excessively late when reporting to work on two occasions in August 1982 and of failure to protect his assignment on August 19, 1982.

The evidence is convincing and supports the Carrier's finding of guilt to the charges. Accordingly, and in consideration of the Claimant's past discipline record for excessive absenteeism and tardiness, it cannot be said that the Carrier's assessment of discipline here is unduly harsh.

AWARD

The claim is denied.

F. J. Domzalski Carrier Member Eckehard Muessig

Neutral Member

J. P. Cassese

Employee Member

JAN 23 1986