

PUBLIC LAW BOARD NO. 3514

Case No. 100

Award No. 98

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

STATEMENT OF CLAIM: Appeal of Operator E. F. O'Hara to have his dismissal removed from his records and to be restored to the service.

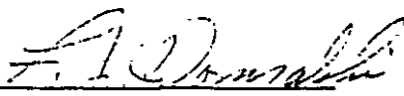
FINDINGS: In this case, a series of incidents (essentially involving alleged insubordination) occurring on several different days led to the Claimant's dismissal.

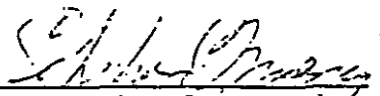
At the outset, the Organization has advanced a number of procedural contentions, whose primary thrust consists chiefly of the assertion that the Claimant was prejudged and did not receive a fair and impartial hearing. Our review of the lengthy hearing record, while we do not easily set aside a number of the Organization's well-stated arguments, leads us to conclude that the Claimant's rights were not prejudiced by those proceedings.

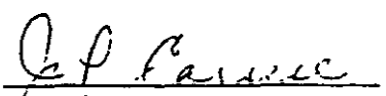
Turning to the charges themselves, there is substantial evidence to support the Carrier's findings. The Claimant was guilty of major offenses, which in the industry normally lead to dismissal.

AWARD

The claim is denied.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

Dated: FEB 27 1965