

Parties  
to the  
Dispute

Pennsylvania Federation Brotherhood of  
Maintenance of Way Employees

vs.

Consolidated Rail Corporation

*AWARD No. 12*  
Case No. 9

STATEMENT OF CLAIM

(a) That James G. Busch, employed five and one-half years, be restored to service with seniority rights and all other privileges provided for by either agreement or past practice. That he be compensated for all time lost until such time he is or would be able to perform his usual function for the Carrier.

(b) That James G. Busch's record be cleared of all charges brought against his record.

OPINION OF THE BOARD

Claimant James G. Busch, employed by Carrier as a Trackman at Monongahela, Pennsylvania, was charged with unauthorized absences on June 30, July 1, and July 7, 1982. A hearing was held on July 20, 1982, at which time Claimant was found guilty and dismissed from service.


This Board has carefully reviewed the record of this case.

In considering the procedural issues raised by the Petitioner, we cannot conclude from the record that Claimant did not receive a fair trial.

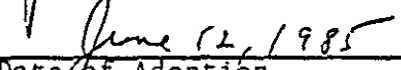
As to the merits of this case, the facts do not support the position that Claimant's car trouble was a viable excuse for repeated (successive) absences. It is Claimant's responsibility to arrange his life to fit his job. Claimant has displayed an uncooperative and evasive attitude throughout this incident. When this behavior is added to his previous record of 55 total days suspensions for either unauthorized absence or insubordination, it becomes clear that he is unwilling to help himself. Carrier is under no obligation to continue with this employee.

AWARD

The claim is denied.

  
R. E. Dennis, Neutral Member

  
J. Dodd, Employee Member

  
Date of Adoption

  
R. O'Neil, Carrier Member