

Parties
to the
Dispute

Pennsylvania Federation Brotherhood of
Maintenance of Way Employees

vs.

Consolidated Rail Corporation

Case No. 8
Award No. 6

STATEMENT OF CLAIM

(a) That Bruce H. Hatten, Trackman, employed by the Carrier for eight years prior to this alleged incident, be restored to the service of the railroad with seniority rights and all other privileges provided by either agreement or past practice. That he be compensated for all time lost until he is returned to the service of the railroad.

(b) That Bruce H. Hatten's record be cleared of all charges brought against him.

OPINION OF THE BOARD

Claimant Bruce Hatten is a Trackman employed by Carrier at its Pittsburgh, Pennsylvania, Facility. On August 23, 1982, Claimant was notified to attend a hearing to investigate the following charges:

-2-

1. Violation of Safety Rule 30525 in that you failed to wear prescribed eye protection while working at Bell interlocking on August 12, 1982 at approximately 9:40 a.m. while you were installing rail anchors.
2. Unauthorized absence on August 17, 18, 19, 20, and 23, 1982.

A hearing into the matter was held as scheduled and as a result of that hearing, Claimant was found guilty of the charges and dismissed from Carrier's service. A review of the transcript of the hearing (which was made a part of the record) reveals that Claimant received a fair hearing and that he was granted all substantive and procedural rights guaranteed by Agreement. It also reveals that Claimant was working on the track without his safety glasses on. In fact, they were in his back pocket. This infraction on its own calls for serious discipline. Carrier need not leave itself open to liability claims by returning to work employees who willfully violate safety rules. Claimant in this case, compounded his rule violation by not returning to work when released by his doctor and by refusing to contact his Supervisor about his continued absence. The Supervisor in this instance called Claimant's home in an effort to talk to him about his condition and his failure to return to work promptly. Claimant obviously avoided contacting his Supervisor to explain his position. Carrier has a right to expect more from its

-3-

employees than that.

Claimant violated a Safety Rule. He stayed away from work for at least four days without authority. He failed to contact his Supervisor when requested. When these infractions are considered, together with Claimant's exceedingly bad past record of attendance (seven letters of warning and two 10-day suspensions), it becomes clear that Claimant has not responded to Carrier's efforts to make him into a worthwhile employee. Carrier need go no further in this instance.

AWARD

The claim is denied.

R. E. Dennis 9/26/84
R. E. Dennis, Neutral Member

J. Dodd
J. Dodd, Employee Member

R. O'Neil
R. O'Neil, Carrier Member