PUBLIC LAW BOARD NO. 3765

Parties to the Dispute CONSOLIDATED RAIL SYSTEM KEDERATION BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

V8.

Case No. 17 Award No. 11

GRAND TRUNK WESTERN RAILROAD COMPANY

STATEMENT OF CLAIM

- (a) The dismissal of Trackman C. P. Flowers was excessive and based upon unproven charges, and therefore was arbitrary and capricious.
- (b) Claimant Flowers shall be reinstated into Carrier's service, with seniority rights restored, and shall be compensated for all lost wages, including overtime.

OPINION OF THE BOARD

Claimant C. P. Flowers, a Trackman in Carrier's employ was charged as follows:

...to determine your responsibility, if any, for alleged excessive absenteeism and tardiness on the following dates:

Tuesday - July 17, 1984 - 1½ hours Wednesday - July 18, 1984 - 8 hours Thursday - July 19, 1984 - 8 hours Friday - July 20, 1984 - 8 hours Tuesday - July 24, 1984 - 8 hours Wednesday - July 25, 1984 - 3½ hours Thursday - July 26, 1984 - 1 hour Monday - July 30, 1984 - 8 hours Tuesday - July 31, 1984 - 8 hours Wednesday - Aug. 1, 1984 - 8 hours

Claimant's past record is as follows:

11-22-79	30	Demerits	Disobeying a direct order from a superior.
7-07-80	25	Demerits	Absent without authority for a three-week period.
10-22-81	3	Days Suspension	Failure to protect his assignment on two dates.
11-17-81	32	Days Suspension	Misuse of company gasoline.
6-30-82	10	Demerits	Failure to protect his posi- tion on four dates.
8-23-82	5	Days Suspension	Failure to protect assign- ment and absenteeism on four dates.
7–29–83	20	Demerits	Excessive absenteeism cover- ing nine dates.
5-25-84	5	Days Suspension	Excessive absenteeism cover- ing seven dates.

A hearing into the charges was held on September 12, 1984. Claimant was found guilty as charged and dismissed from Carrier's service on October 1, 1984. This Board has reviewed the record of this case

and must conclude that Carrier is not required to keep an employe with Claimant's record on its payroll. Claimant has been a trouble-some employe almost from the first month he was hired. Carrier acted appropriately in this instance.

AWARD

The claim is denied.

R. E. Dennis, Neutral Member

W. E. LaRue, Employe Member

O'Brien Carrier Member

Date of Adoption