

PUBLIC LAW BOARD NO. 3765

Parties  
to the  
Dispute

CONSOLIDATED RAIL SYSTEM FEDERATION  
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

GRAND TRUNK WESTERN RAILROAD COMPANY

Case No. 5  
Award No. 8

STATEMENT OF CLAIM

- (a) The dismissal of Trackman John E. Chambers was excessive, arbitrary, and capricious, and wholly unsubstantiated by the facts as found in the Trial Transcript, and that Claimant was not afforded a fair and impartial hearing.
- (b) Claimant Chambers shall be reinstated into Carrier's service, with seniority rights restored, and shall be compensated for all lost wages, including overtime, from the time he was called out of service to the present.

OPINION OF THE BOARD

Claimant J. E. Chambers was hired as a Trackman in July 1978. On August 19, 1980, he was charged as follows:

...to determine your responsibility, if any, for insubordination, to Foreman C. E. Fletcher at 10:30 A.M. on August 7, 1980 (EST) by refusing to remove ties when so directed by Mr. Fletcher.

A hearing into the matter was held, at which time Claimant was found guilty as charged. When Carrier reviewed Claimant's past record of 45 demerits issued for failure to protect his assignment in conjunction with a serious incident of insubordination, it concluded that Claimant's dismissal from service was appropriate.

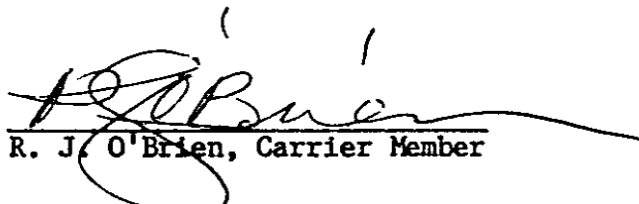
This Board has reviewed the total record of this case and can find no basis on which to overturn Carrier's actions. Claimant was a short-term employee who did not show up for work on a regular basis and who had difficulty following orders when he was at work. Carrier is not required to keep such an employee on the payroll.

AWARD

The claim is denied.

  
R. E. Dennis, Neutral Member

  
W. E. LaRue, Employee Member

  
R. J. O'Brien, Carrier Member

Nov 20, 1987  
Date of Adoption