

PUBLIC LAW BOARD - NO. 5418

Case No. 26

Award No. 26

PARTIES

Brotherhood of Maintenance of Way Employees

to

- and -

DISPUTE:

Springfield Terminal Railway Company

STATEMENT OF CLAIM:

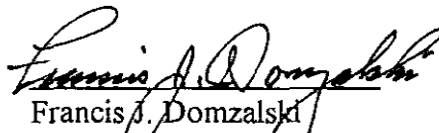
Appeal of the discipline of a 30 day suspension imposed
on Scott Kilgore on September 25, 1998.

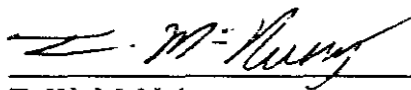
FINDINGS: Subsequent to a hearing held on September 17, 1998, claimant was found guilty of violating General Rule GR-N (paragraph #2), in that he was absent from work without permission on August 31, 1998.

At the outset, the Organization alleges that the hearing officer's conduct was improper and that the claimant was deprived of a fair and impartial hearing. We disagree. We are persuaded by the entire record and find that there was no deprivation of due process.

We have carefully reviewed the record before us and find that, despite receiving prior counseling and formal discipline for absenteeism/tardiness, claimant's attendance record is still not satisfactory. Clearly, the Carrier has every right to expect regularity of its work force so it may properly manage its operations. Therefore, in light of the evidence presented, and weighing claimant's prior discipline record, which includes six entries for absenteeism, the Board finds the Carrier did not misuse its discretion when it assessed discipline.

AWARD: The claim is denied.


Francis J. Domzalski
Neutral Member



T. W. McNulty
Carrier Member

Dated: 12-18-98


B. A. Winter
Organization Member