

PUBLIC LAW BOARD NO. 5418

Case No. 64

Award No. 64

PARTIES

to

DISPUTE:

Brotherhood of Maintenance of Way Employees

-and-

Springfield Terminal Railway Company

STATEMENT OF CLAIM:

Claim on behalf of Christopher Aceto, in connection
with him being assessed discipline on October 4, 2006.

FINDINGS:

The issue under dispute stems from the Carrier charging the claimant, an employee with two
(2) years of service, with the following offense:

“your responsibility, if any, in connection with the
following charge:

Excessive Absenteeism and Tardiness

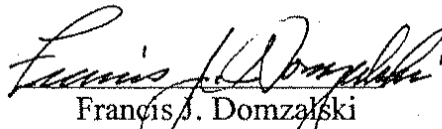
Specifically, you have had six (6) unexcused absent
work days and ten and one-half (10.5) hours tardiness
so far in 2006. This is in excess of the shop average
for the rest of the Billerica Shop Employees.”

Following a formal investigation held on September 27, 2006, the Carrier found the claimant
guilty of the offense for which he was charged and assessed him discipline in the form of a three
(3) day actual suspension.

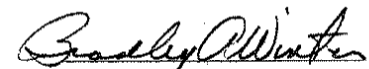
The Board has thoroughly reviewed the undisputed evidence introduced at the formal
investigation, and find that, despite receiving prior coaching and counseling for attendance
related issues, the claimant's record is still not satisfactory. The record show that during the
period January 13, 2006 to September 27, 2006, the claimant was absent six (6) days and late on
twelve (12) occasions.

Clearly, the Carrier has every right to expect regularity of its work force so it may properly manage its operation. Hence, the Board finds, that in light of the evidence presented and claimant's relatively short tenure, we conclude the Carrier was on valid ground when it assessed discipline. Thus, we will not alter their decision.

AWARD: The claim is denied.


Francis J. Domzalski
Neutral Member


A. F. Lomanto
Carrier Member


B. A. Winter
Organization Member

Dated: 5-22-2007