

PUBLIC LAW BORD NO. 7357

PARTIES TO THE DISPUTE:

Brotherhood of Maintenance of Way Employees
Division – IBT Rail Conference

Award No. 45
Case No. 45

-and-

Delaware and Hudson Railroad Company d/b/a Canadian Pacific Railway

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

1. The 5 day recorded suspension assessed Mr. Wesley Beers by letter dated August 1, 2014 in connection with the allegation of absenteeism on June 11, 2014 was in violation of the Agency.
2. As a consequence of the Agreement violation the organization requests that the 5 day recorded suspension be removed from the Claimant's record.

FINDINGS:

This Public Law Board No. 7357 finds that the parties are Carrier and Employee, within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

By letter dated August 1, 2014, the Carrier notified the Claimant, Mr. Wesley Beers, that he was assessed the discipline of a 5 day recorded suspension as follows:

Dear Sir,

As a result of the facts developed at the formal investigation hearing, held on Thursday, July 14, 2014 you have been found to be in violation of GCOR Rule 1.15, Duty-Reporting or Absence;

Your record has been accessed with a 5 day Recorded suspension only.
August 1, 2014.

S/ Andre Lefluer
Director Track Renewal Canada East

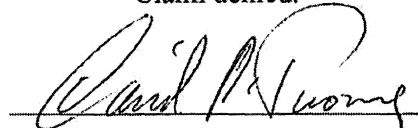
The Organization appealed the discipline, and the matter has been progressed to this Board for adjudication.

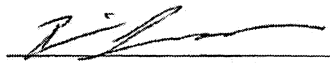
We find that substantial evidence of record, including the Claimant's testimony, supports the Carrier's determination that he was absent from work on June 11, 2014 as charged. Mr. Beers testified that he overslept and as soon as he woke up, some four hours into the shift, he called his supervisor to tell him of his situation, but did not receive a call back.


We find that the "5 day recorded suspension only" under the Carrier's U.S. Discipline Policy 5612 was neither arbitrary, capricious nor excessive. We must deny this claim.

Award

Claim denied.


Chairman and Neutral Member


Carrier Member


Organization Member

Dated: 12/28/2016