

PUBLIC LAW BOARD NO. 7357

PARTIES TO THE DISPUTE

Brotherhood of Maintenance of Way Employes
Division – IBT Rail Conference

Award No 47
Case No. 47

-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 Claimant, Mr. Michael Keyes, was assessed a 5 day recorded suspension only in violation of the Agreement.
2. As a consequence of the Agreement violation we request 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 22, 2014, the Claimant, Mr. Michael Keyes, was notified by the Carrier that he was assessed a "5 day recorded suspension only" as follows:

Dear Sir,

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

Your record has been assessed with a 5 day Recorded Suspension Only.
August 22, 2014

S/Andre Lefluer
Director Track Renewal Canada East

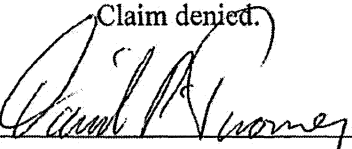
The Organization appealed this discipline, and the matter has been progressed to this Board for adjudication.

We have considered the procedural contentions of the Organization and we find no basis exists to set aside the discipline on these assertions of the Organization.

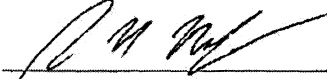
Substantial evidence of record supports the Carrier's determination that Mr. Keyes did not report to his assigned duties on August 4th and 5th, 2014 and that he failed to contact the proper supervisor or manager to authorize his request. While the Claimant sent text messages to his supervisor Mr. Vanderpool on his company issued cell phone, Mr. Vanderpool was on his scheduled vacation, and had advised his employees that he would be on vacation. Mr. Valentine covered the crew during Mr. Vanderpool's vacation, and had his telephone number listed on the one page document all employees receive daily at their job briefing. The record did show that the Claimant had serious family health issues. However, a basis does not exist for this Board to set aside the discipline in this case on the record before us.

Award

Claim denied.


Chairman and Neutral Member


Carrier Member


Organization Member

Dated: 12/28/2016