

PUBLIC LAW BOARD NO. 7357

PARTIES TO THE DISPUTE:

Brotherhood of Maintenance of Way Employes
Division - IBT Rail Conference

Award No. 54
Case No. 54
Carrier's File 8-00984 DHR

-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 discipline [five (5) day actual suspension and payment of four hundred fifty-two dollars and fifty-two cents (\$452.52) in restitution] imposed upon Mr. D. Hunt by letter dated May 20, 2014 in connection with an alleged incident that occurred at the Best Western Inn at Smithfield on April 22 and 23, 2014 was arbitrary, capricious, without just and sufficient cause and in violation of the Agreement.
2. As a consequence of the violation referred to in Part 1 above, we request that Claimant D. Hunt have his record cleared of this discipline and that he be compensated all losses suffered due to the Carrier's discipline and afforded all other relief as contained in the Organization's letter of appeal dated July 10, 2014.

FINDINGS:

This Public Law Board 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 May 20, 2014, the Claimant, Mr. Darren Hunt, was notified that he was assessed a 5 day suspension as follows:

Dear Sir:

As a result of the facts developed at the formal investigation hearing, Tuesday May 6th, 2014 you have been found in violation of GCOR Rule 1.5, 1.6 and 1.9. Your record has been accessed with a 5 day suspension, to be served. This suspension will begin on Monday, June 2nd, 2014 to June 6th, 2014 with an expected return to work the date of June 9th, 2014.

Also Mr. Hunt you are to make restitution for all damages at Best Western Inn at Smith Field in the amount of \$452.52. The check is to be made in that amount (\$452.52) payable to Canadian Pacific and mailed to: (must be received within 10 days)

Peter Imbrogno – Mgr. Crew Lodging Process
W1499, Canadian Pacific Headquarters – Ogden
7550 Ogdendale Road SE
Calgary, AB T2C 4X9, Canada

s/Andre Lafleur
Director of Track Renewal US East

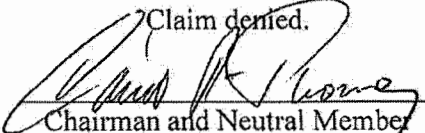
The Organization appealed the discipline, and the matter has been progressed to this Board for adjudication.


No basis exists in the record before this Board to set aside the discipline assessed in this case on procedural grounds.

We find that substantial evidence of record including the Claimant's own testimony supports the Carrier's determination that he was in violation of GCOR 1.5, 1.6, 1.9 and Camp Rules 1.8 and 2.6 in that he damaged the motel's mattress and had alcohol in his room (Sec. Tr. 18). We find from the entire record that the discipline assessed of a five-day suspension is neither arbitrary, capricious nor excessive. We must deny this claim.

Award

Claim denied.


Chairman and Neutral Member


Carrier Member


Organization Member

Dated: 12/7/17