

PUBLIC LAW BOARD NO. 7544

**Brotherhood of Maintenance of Way
Employees Division - IBT
Rail Conference**

and

SOO Line Railroad Company (CP)

Case No. 60
Award No. 60
System File No. D-182-16-600-17

Background

On September 15, 2016, the Carrier issued to Claimant T. Fitzgerald a notice of formal investigation and hearing. The notice stated, in part, the following:

"The purpose of the investigation/hearing is to determine the facts and circumstances and to place responsibility, if any, in connection with your alleged failure to report for work at your designated start time on Tuesday, September 13, 2016, and for not notifying your manager to advise him that you would be late. This indicates a possible violation of, but is not limited to, the following rules:

GCOR Rule 1.13 – Reporting and Complying with Instructions

GCOR Rule 1.15 – Reporting or Absence

On September 22, 2016, the formal investigation and hearing convened wherein Claimant and his representative were afforded the opportunity to present testimony and other evidence as well as examine the Carrier's witness and four (4) exhibits.

On October 6, 2016, the Senior Track Manager notified Claimant that the record from the investigative hearing established Claimant's violation of the charged rules. As a result of the rules violations, the Carrier dismissed Claimant from service.

On October 7, 2016, the Organization and the Carrier agreed to progress Claimant's discipline dispute for resolution before this Board using the shortened procedure provided for in Paragraph (K) of the PLB Agreement.

Findings

Public Law Board No. 7544, upon the whole record and all the evidence, finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that the Board has jurisdiction over the dispute herein; and that the parties to the dispute were given due notice of the hearing and did participate therein.

Consistent with the PLB Agreement for this Board, the evidentiary record in this proceeding is comprised of the following: (A) notice of investigation, (B) transcript of investigation and all related exhibits, (C) discipline assessment letter and (D) on-property correspondence related to progression of the claim.

Following the investigative hearing and the Carrier's issuance of a decision letter, the Organization and Carrier resolved this claim. Given that finding, the Board will dismiss the claim.

Award


Claim dismissed.



Patrick Halter
Neutral Member



Anthony Mosso
Carrier Member


Ryan Hidalgo
Organization Member

Dated on this 24th day of
January, 2018