

PUBLIC LAW BOARD NO. 6461

Case No. 4

Award No. 4

PARTIES

Brotherhood of Maintenance of Way Employees

To

- and -

DISPUTE:

Grand Trunk Western Railway

STATEMENT OF CLAIM:

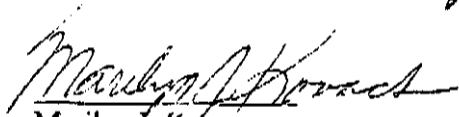
Appeal of the discipline of dismissal imposed
on Jose Rodriguez, Jr., effective 9/6/01.


FINDINGS: The issue under dispute resulted from the Carrier charging the claimant with lateness and unauthorized absence from his assignment, in that, he was late three and a half hours on July 12 and absent on July 10 and 31, 2001.

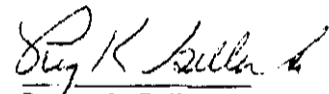
Records introduced at claimant's hearing shows he failed to protect his assignment on the dates cited in the charge and, in consideration of his previous attendance record, the Carrier concluded that his absences were excessive and beyond reasonable standards.

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 his past disciplinary record, eight of which involved absenteeism, we conclude the Carrier did not misuse its discretion when it assessed discipline.

AWARD: The claim is denied.


Marilyn J. Kovacs
Carrier Member


Francis J. Domzalski
Neutral Member


Perry K. Geller, Sr.
Organization Member

Dated: 1-17-02