

Award No. 340
Case No. 340
System Docket No. MW-2475

SPECIAL BOARD OF ADJUSTMENT NO. 976
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
VS.
CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

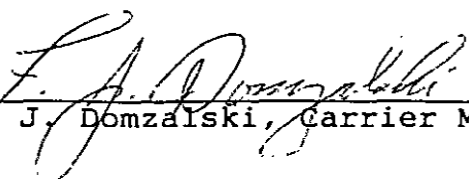
Appeal of dismissal assessed G. F. Hasbrouck on February 12, 1992, in connection with being charged with failure to follow instructions to report for a medical evaluation.

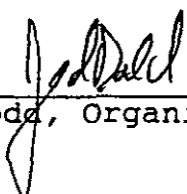
Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this Board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

AWARD: Claim disposed of as follows:

Subsequent to an on duty injury claimant was instructed by certified mail to report for a medical evaluation. Records show the post office attempted 3 deliveries however claimant failed to accept his mail, therefore in the Board's judgement he must bear the consequences of his actions and we concur with carriers conclusion that discipline was warranted. However, without diminishing the seriousness of this matter, the Board does take into account claimants prior discipline record and 13 years of good service and determines that the discipline assessed is excessive. Therefore, claimant shall be restored to service and the discipline will be modified to a 6 month suspension. This lengthy suspension without pay should emphasize the gravity of this situation.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jed Doda, Organization Member