

Case No. 7
Award No. 7

PUBLIC LAW BOARD NO. 2786

Parties Railroad Yardmasters of America
to and
Dispute Consolidated Rail Corporation

Statement
of Claim: Appeal from discipline of dismissal (reduced to
suspension with all time lost to apply) assessed G.
B. Farrand for the following offense:

Violation of the applicable portion of Rule T, Para-
graph One (1), of the Conrail Rules for Conducting
Transportation, C.T. 400, Employees must report for
duty at the required time.

Findings: The Board, after hearing upon the whole record and
all evidence, finds that the parties herein are Carrier and
Employee within the meaning of the Railway Labor Act, as amended,
that this Board is duly constituted by Agreement dated August 13,
1980, that it has jurisdiction of the parties and the subject
matter, and that the parties were given due notice of the hearing
held.

Claimant was dismissed from the service of the Carrier for
tardiness which dismissal was subsequently reduced to a ten-day
suspension.


The facts as developed in this case indicate the Claimant
reported for duty at the Sayre Westbound Yard in Sayre, Pennsyl-
vania, ten minutes late on October 2, 1979.

The Carrier obviously realized that the penalty of dismissal
for a ten minute tardiness was excessive discipline. However,
absent a discipline record to support a more harsh punishment, a

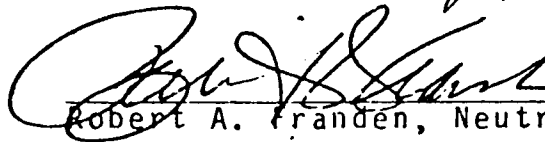
suspension of ten days for a ten minute tardiness is also excessive. The most this type of offense calls for in the absence of a discipline record to support more serious punishment would be a reprimand. Accordingly, we will sustain the claim and direct that the Claimant be paid in accordance with Rule 6-A-2(d).

AWARD: Claim sustained.

ORDER: Carrier is directed to make this Award within thirty (30) days of date of issuance shown below.


G. R. Welsh, Carrier Member


J. C. Thomas, Employee Member


Robert A. Franden, Neutral Member

Issued at Philadelphia, Pennsylvania, June 30, 1982.