

PUBLIC LAW BOARD NO. 3337

AWARD NO. 8

CASE NO. 8

CR 347

PARTIES TO DISPUTE:

Consolidated Rail Corporation

and

Railroad Yardmasters of America

STATEMENT OF CLAIM

"The record of Yardmaster Howard J. Dash be cleared of all charges and restrictions as a result of discipline issued August 24, 1982. And that Yardmaster Dash be paid for all time lost, five (5) days actual suspension, pursuant to Rule 6-A-2(d).

OPINION OF BOARD

The Employee was notified of a hearing concerning an allegation that he failed to supervise properly the crew under his direction. In essence, the Employee was charged with permitting employees to leave early.

Subsequent to the investigation, the Claimant was notified that he had been suspended for five (5) days, and he was restricted from performing service as a Yardmaster on Amtrak property.

We have considered the various procedural objections set forth by the Organization in this case. However, we do not find anything of record which will preclude us from considering the case on its merits. Our review of the record demonstrates to us that the Claimant was, in fact,

guilty of the charges. However, based upon our review of the entire record, we question that the penalty assessed was appropriate. We are of the view that it was too severe. Accordingly, we will remove the disqualification and restriction from performing services as a Yardmaster on Amtrak property, and we will disallow the five (5) day suspension. We do, however, approve a reprimand.

FINDINGS

The Board, upon consideration of the entire record and all of the evidence finds:

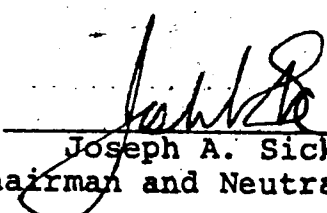
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

This Board has jurisdiction over the dispute involved herein.

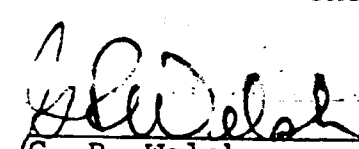
The parties to said dispute were given due and proper notice of hearing thereon.

AWARD

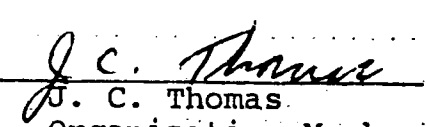
Claim sustained to the extent that it imposes any disciplinary action more severe than a reprimand.



Joseph A. Sickles
Chairman and Neutral Member



G. R. Welsh
Carrier Member



J. C. Thomas
Organization Member

1/4/84
Date