

PUBLIC LAW BOARD NO. 7154

**BROTHERHOOD OF
LOCOMOTIVE ENGINEERS
AND TRAINMEN**

vs.

**CANADIAN NATIONAL/ILLINOIS
CENTRAL RAILROAD**

**CASE NO. 84
AWARD NO. 84**

STATEMENT OF CLAIM:

Appealing the discipline that was assessed to Engineer Michael Maura of five (5) days suspension (deferred) from July 9, 2014 through January 8, 2015 in connection with allegedly violating rules, regulations and/or policies in connection with AMC Attendance Guidelines, following an investigation that was held on Wednesday, July 2, 2014. The discipline letter dated July 9, 2014 written by Mark Hightower, Superintendent stated Engineer Maura's absences on May 2, May 7 and June 12, 2014 when considered with the 12 weeks including and immediately preceding June 12, 2014 may be in violation of requirements of the Attendance Guidelines.

In the second paragraph of Superintendent Hightower's discipline letter he stated "*the record contains credible testimony and substantial evidence proving that you violated USOR General Rule I—Duty Reporting or Absence.*" The letter closed with the following sentence – "*In consideration of the incident, the proven rule violations and your past discipline record, you are hereby assessed the following discipline.*"

**5 Days Deferred Suspension
(July 9, 2014 through January 8, 2015)**

FINDINGS:

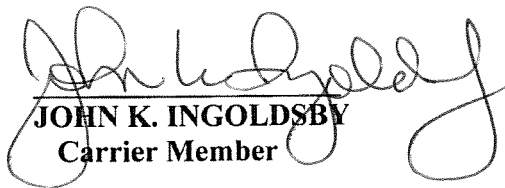
Public Law Board No. 7154, upon the whole record and all the evidence, finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that the Board has jurisdiction over the dispute herein; and that the parties to the dispute were given due notice of the hearing and did participate therein.


We have carefully reviewed the record in its entirety. First, we find no evidence of any procedural irregularity or unfairness in the conduct of the hearing. On the merits, the record demonstrates that the Carrier has met its burden of proving Claimant's guilt by substantial evidence. We see no reason to disturb the penalty deemed appropriate by the Carrier.

AWARD

Claim denied.


JACALYN J. ZIMMERMAN
Neutral Member


JOHN K. INGOLDSBY
Carrier Member


MARCUS RUEF
Organization Member

Dated this *6th* day of *May*, 2016.