

Parties to Dispute:

( Brotherhood Railway Carmen of the United States  
and Canada

( Chesapeake and Ohio Railway Company

The Organization charges the Carrier's actions on June 11, 1979, were arbitrary and capricious, and the discipline rendered unjust and severe. Claimant was not present and deprived of an opportunity to defend himself. Receipt of certified mail was not that of Claimant. Carrier has no knowledge Claimant received letter. Lastly, the Organization argues that, by not setting forth the actual days of absence, Carrier failed to set forth a precise charge under Rule 37.

The Carrier's letter of May 9, 1979, advised Claimant he was charged with excessive absenteeism totalling 89 days from November 1978, broken down as follows: 5 days sickness, 1 day personal business, 1 day transportation, 1 day family sickness, 81 days no report in direct violation of Rule 21 of the Shop Crafts Agreement. This letter, in accordance with past Board decisions, met the requirement of being sufficiently precise in order for Claimant to understand the charge and adequately defend himself against it. The certified letter of May 31, 1979, was sent to the Claimant's address of record and the same address used in the May 9, 1979, notice of charge and investigation. The evidence supports a conclusion the contested letter of notice was received at Claimant's residence in a timely and appropriate manner.

Sixty-six percent absence over a 135 working day period is excessive. Furthermore, the 81 instances of "no report" included amongst the 89 absences disclose no reason or good cause for these specific "no reports". Under any acceptable definition of excessive absenteeism, this Claimant's record falls within such parameters. The Carrier conducted a fair and impartial investigation notwithstanding Claimant's non-attendance. The evidence supports the charge of excessive absenteeism. There is absolutely no merit in disturbing the conclusions reached or the penalty imposed.

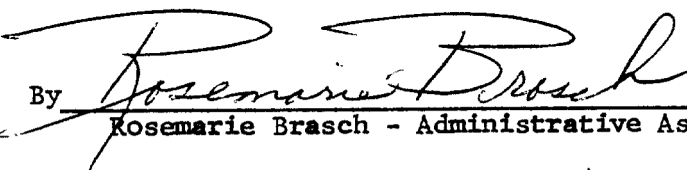
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of April, 1982.