

The Second Division consisted of the regular members and in addition Referee Walter C. Wallace when award was rendered.

Parties to Dispute: { International Association of Machinists
{ and Aerospace Workers
{
{ Louisville and Nashville Railroad Company

Dispute: Claim of Employees:

- (1) That Machinist Helper J. M. Miller was improperly dismissed from service on June 19, 1974.
- (2) That accordingly, Carrier be ordered to restore Machinist Helper J. M. Miller to service, with all rights unimpaired, with pay for lost wages.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

There is ample evidence in the record in support of the Carrier's dismissal of the Claimant for excessive absenteeism. During 5½ months of employment, the Claimant was late or absent on 39% of the days including the very first day of his employment. His repeated warnings coupled with promises to improve were to no avail and, on his own admission, his problem **related to the fact he did not like his job.**

The Employees suggest that a reprimand rather than dismissal would be appropriate. We do not agree. The Carrier had the right to impose discipline so long as the penalty was not arbitrary, capricious nor discriminatory. The record indicates these factors were nonexistent and the investigation was conducted in a fair and impartial manner. Further, the seriousness of the offense justified the Claimant's dismissal. During his brief employment he received at least three reprimands for absenteeism and the Carrier should expect a better effort than this.


A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 13th day of January, 1976.