

The Second Division consisted of the regular members and in addition Referee Abraham Weiss when award was rendered.

Parties to Dispute: (International Association of Machinists and
(Aerospace Workers
(
(Burlington Northern Inc.

Dispute: Claim of Employees:

1. That the Burlington Northern Inc., hereinafter referred to as the Carrier, violated the current agreement because Machinist Rodney R. Allen, Clyde Diesel Shop, Chicago, Illinois, hereinafter referred to as the Claimant, was unjustly and arbitrarily dismissed from service on October 9, 1976, following investigation for alleged violation of the Burlington Northern Safety Rules.
2. That accordingly Carrier be ordered to restore Claimant back to service with seniority rights unimpaired.

Findings:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

Claimant was dismissed, following formal hearings, for absenting himself from duty without proper authority on August 21, 1976 and for tardiness on August 23, 1976. An investigation was scheduled for September 10, 1976, by letter dated August 31, 1976.

On August 24, 1976, Claimant again failed to report for duty although he had called and reported that he would be approximately one-half hour late reporting to work. He failed to report for duty at all that day. Claimant was again absent on September 2, 1976, without authorization. An investigation concerning these latter two absences was held on September 20.

Award No. 7769
Docket No. 7699
2-BNI-MA-'78

The record indicates that Claimant had been previously censured and suspended for similar infractions. Carrier had applied the principle of progressive discipline for Claimant's previous offenses of similar nature.

Claimant failed to report for work, without approval, even though he was made aware by the August 31 notice that his attendance record was to be investigated and that he faced the possibility of more severe discipline than suspension. Carrier's previous corrective measures, including discipline for similar occurrences, apparently have not induced Claimant to correct his attitude or his attendance nor to discourage repeated offenses of the same nature.

Based on the instant situation and Claimant's prior record, we must conclude that Carrier's action in dismissing Claimant from service was not unreasonable or excessive. We must, therefore, deny the claim.

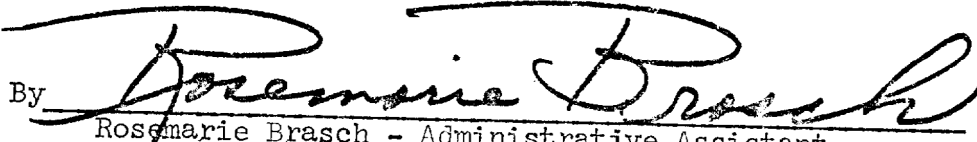
A W A R D

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 6th day of December, 1978.