

The Second Division consisted of the regular members and in addition Referee David H. Brown when award was rendered.

Parties to Dispute: { International Brotherhood of Firemen & Oilers
{
{ Grand Trunk Western Railroad Company

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DEC 29 1980

Dispute: Claim of Employees:

P. E. LaCOSSE

1. That in violation of the current agreement, Roy C. Collins, laborer was unjustly assessed twenty-five (25) demerit marks from his service record following investigation held on date of May 3, 1978.
2. That accordingly the Carrier be ordered to make the aforementioned Roy Collins whole by removing the twenty-five (25) demerit marks from his service record.

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.

The assessment of 25 demerits, herein appealed, was made after formal investigation pursuant to the following notice to Claimant:

"You are hereby notified to attend an investigation to be held in the office of the Car Foreman, Mr. R. F. Miller, on May 3, 1978, at 0930 hours to determine your responsibility, if any, for excessive absenteeism by missing all or part of your assignment on March 11, 12, 13, 25, 29; April 3, 7, 10, 17, 18, 19, 20, 21, 24, 1978, and violation of Rule 18 of the GT General Rules."

The controlling rule is Rule 18, reading

"Habitual tardiness and unexcused absences may be basis for disciplinary action."

During the period from March 11 through April 24, 1978, Claimant accrued the following attendance record:

| <u>1978</u> | <u>Remarks</u> |
|-------------|---|
| March 11 | Absent - No Call |
| " 12 | Absent - No Call |
| " 13 | Absent - Called and said he was sick |
| " 25 | Two hours late |
| " 29 | Absent-No Call |
| April 3 | Two hours late |
| " 7 | Absent - No Call |
| " 10 | Absent - No Call |
| " 17 | Absent - No Call |
| " 18 | Worked two hours advised that he was going to Doctor said he would come back, he did not. |
| " 19 | Absent - No Call |
| " 20 | Absent - No Call |
| " 21 | Absent - No Call |
| " 24 | Absent - No Call |

Because of Mr. Collins' claimed illness during such period, and in order to give him the benefit of the doubt, Chief Mechanical Officer G. B. Rupel, in assessing discipline, eliminated from consideration the period from April 17 through April 24. The indicated discipline was then imposed.

We find that the investigation was fairly and properly conducted and that the discipline as assessed was fully warranted.

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 17th day of December, 1980.