

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

Parties to Dispute: (Brotherhood Railway Carmen of the United States
(and Canada
(
(Washington Terminal Company

Dispute: Claim of Employees:

1. That the Washington Terminal Company improperly suspended Car Repairman W. McCullough for twenty (20) days as a result of an investigative hearing held on October 18, 1979. This action is in violation of rules 18 and 29.
2. Mr. McCullough should be made whole in line with rules 18 and 29. The Washington Terminal Company should be ordered to compensate Mr. McCullough for his net wage loss caused by this unjust suspension and for any other loss he may have been caused to suffer due to Carrier's miscarriage of justice.

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 given a 20 day suspension from service as a result of an investigation held on October 18, 1979 on the following charges:

"Excessive Loss of Time from Duty during the month of September 1979, as follows:

September 1979 - 1, 2, 9, 15, 16, 19, 20, 21 and 22."

Due to documentation produced by the Claimant during the investigation, Carrier dropped the charge on dates of September 19, 20 and 21, 1979.

The investigation was conducted in a fair and proper manner and the record reveals no evidence to contradict the Carrier's charge of excessive loss of time. There is no evidence that the Claimant was "discriminated against". A review of Claimant's past record reflects that he was given a reprimand for excessive loss of time during the month of August 1979.

This Board has held in numerous awards that an employer has the right to expect regularity in attendance. There is nothing contained in the record to alter this general principle.

The Board will not disturb the 20 day suspension penalty imposed by the Carrier.

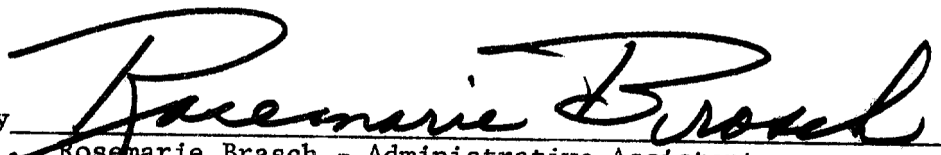
A W A R D

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 27th day of January, 1982.