

The Second Division consisted of the regular members and in addition Referee Edward M. Hogan when award was rendered.

Parties to Dispute: ( International Brotherhood of Firemen and Oilers  
( Louisville and Nashville Railroad Company

Dispute: Claim of Employees:

1. That under the current and controlling agreement, as amended, Service Attendant J. T. Newell, Jr., I.D. No. 111110 was unjustly suspended from service of the Louisville and Nashville Railroad Company, on March 21, 1980, after a formal investigation was held in the office of Mr. N. D. Parrish, Conducting Officer, on January 28, 1980.
2. That accordingly J. T. Newell, Jr., Service Attendant, be compensated the five (5) working days discipline assessed March 24, 1980 through March 31, 1980, both dates inclusive.

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's duties consisted of cleaning diesel locomotives, cleaning shop areas and other work generally recognized as Service Attendant's duties. On January 25, 1980, Claimant received notice from the Division Manager that he was charged with leaving his assigned work area without permission on January 16, 1980 and for failure to answer roll call prior to the close of the first shift. An investigation was held on January 28, 1980. On March 21, 1980, Claimant was notified that he was suspended from the service of the carrier for a period of five (5) work days.

It is well established that:

"No railroad can be efficiently operated for long if voluntary absences are condoned." (Second Division Award No. 6710)

Claimant Newell had an obligation of informing his supervisor that he would be leaving early for good and sufficient cause. Although Claimant's immediate supervisor had taken ill earlier during the shift, Mr. Newell was not released from his duty and obligation to notify his acting supervisor, Assistant Departmental

Foreman P. E. Elble. The Claimant failed to do this.

However, in this instant claim, the record indicates that Claimant Newell had informed his immediate supervisor Mr. Spencer, of his intention to leave early. Mr. Spencer subsequently left work for reasons of illness early in the shift. In light of these circumstances, it seems that the five (5) day disciplinary suspension was overly harsh.

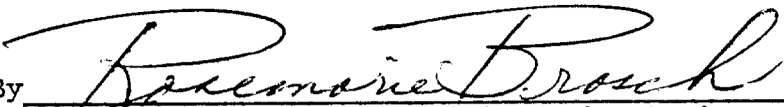
Therefore, it is the opinion of this Board that the five (5) day suspension be reduced to two (2) days and that the Claimant be compensated three (3) working days at the rate of pay in effect at the time of the disciplinary action.

A W A R D

Claim sustained in accordance with the Findings.

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 28th day of April, 1982.