

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

Parties to Dispute: { Brotherhood Railway Carmen of the United States  
and Canada  
{ Louisville and Nashville Railroad Company

Dispute: Claim of Employees:

1. That Upgraded Carmen Helper T. J. Hitt was improperly assessed a thirty (30) day suspension from service in violation of the Agreement, from October 28, 1979, through November 27, 1979.
2. Accordingly, the Louisville and Nashville Railroad Company should be ordered to:
  - (a) Compensate him for all time lost as a result of the suspension or twenty-three (23) eight (8) hour days a total of 184 hours at the straight time rate.
  - (b) Clear all mention of the improper suspension from the personal files of Carman Helper T. J. Hitt.

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 employees 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.

Claimant in this case was assessed a thirty day suspension following a formal investigation on the charges that he did not call in to protect his job assignment. The Claimant had been previously warned, both verbally and in writing, concerning his absenteeism and the proper procedure for notifying the Carrier when he laid off from work.

The employment relationship requires that the Carrier afford each regularly assigned employee five days of work each week, subject to certain exceptions as contained in the Agreement, and likewise, it places a corresponding obligation on the employee to protect the Carrier's service on the days that he/she is assigned to work. The record clearly bears out the fact that the Claimant failed to meet his employment obligations, and that he was justifiably assessed the thirty day suspension from service, especially considering prior verbal and written warnings.

This Board has conclusively stated its policy in this regard in Award No. 6710, which reads in pertinent part:

"Every employee has an obligation and duty to report on time, and to work his scheduled assignment unless he has a good and sufficient reason to be late, to be absent, or to leave early."

This Board will not upset the amount of discipline assessed by the Carrier in this case.

The Carrier has also taken the position that the claim should be dismissed inasmuch as the Local Chairman failed to advise the Master Mechanic that his decision was rejected as required by Rule 58½. As we have denied the claim on its merits, it is not necessary to pass upon this point. However, we do note that the provisions of Rule 58½ are mandatory.

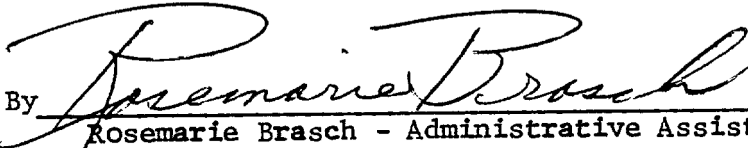
A W A R D

Claim denied.

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.