

The Second Division consisted of the regular members and in addition Referee John B. LaRocco 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 Carman G. B. Reed was dismissed from service in violation of the Current Agreement on September 10, 1979, and
2. Accordingly, the Louisville and Nashville Railroad should be ordered to:
 - (a) Restore him to service with seniority and all employee rights unimpaired.
 - (b) Compensate him for all time lost as a result of his dismissal with interest at the rate of 6% per annum on all money due him, and
 - (c) Pay premiums for his hospital, surgical, medical, group life insurance and supplemental sickness benefits for the entire time he is withheld from service.

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 absent on two consecutive Fridays in August, 1979. At an investigation held on August 21, 1979 to determine if Claimant was absent without permission, Claimant testified that he tried to call the Carrier's Decoursey Shops but his call went unanswered. The Train Yard Foreman on Claimant's shift testified not only that Claimant failed to report off duty on August 3 and 10, 1979, but also that an employee was on duty to answer the telephone. According to Claimant, he was unable to work on August 3, 1979 because his truck broke down. On August 10, 1979, he was moving furniture.

Neither of Claimant's excuses justified his absences. Claimant's duty to regularly protect his assignment must take precedence over personal projects. In addition, Claimant aggravated the offense by failing to properly mark off his assigned shift. The record reveals that if Claimant had called the Carrier, his

telephone call would have been received. Even if Claimant received no answer, he should have made repeated attempts to contact his supervisor.

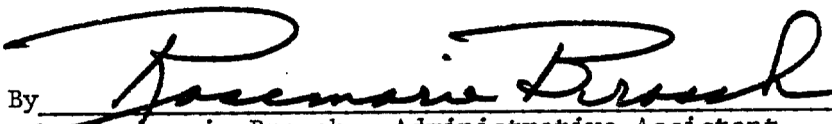
While Claimant was absent on only two days, his prior record demonstrates that he lacks any interest in working for the Carrier. On July 6, 1978, after Claimant had been disciplined several times for excessive absenteeism, the Carrier discharged Claimant. He was subsequently reinstated on a leniency basis. Since Claimant's reinstatement, he has been reprimanded and suspended for excessive absences. The Carrier provided Claimant with ample opportunity to improve his attendance record. Rather than taking advantage of the opportunity, Claimant continued to be absent at an excessive rate. Due to Claimant's poor prior record and his inability to improve his attendance record, we must uphold the Carrier's decision to dismiss Claimant from service.

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 13th day of April, 1983.