

Parties to Dispute: { Brotherhood Railway Carmen of the United States
and Canada
{ Southern Railway Company

1. That Carman D. B. Gosnell, Hayne Shop, Spartanburg, S. C. was unjustly suspended from service from November 3rd through November 7, 1980.
2. That the Carrier be ordered to pay Carman D. G. Gosnell five (5) days' pay, the amount of time lost while suspended from service.

The Claimant was assigned to work 7:30 A.M. to 4:00 P.M., Monday through Friday. On October 6, 1980, the Claimant did not report for work. He testified that his little girl was sick on Monday morning, October 6, 1980; and that he waited until the doctor's office opened and both he and his wife took his daughter to the doctor's office, leaving their home sometime between 8:30 A.M. and 9:00 A.M. He testified that it was not until 2:00 or 2:30 that he got through with all of the throat cultures. He testified that she was running a fever of 103 or 104 and that she had "Strep throat". Mr. Gosnell testified that

he was aware of the rules in the contract requiring him to report off. He testified that there was a telephone in the doctor's office or in the vicinity of the doctor's office. And that he forgot about calling in during the entire period he was in the doctor's office along with his wife: he claimed he was worried about his girl. Mr. Gosnell reported to his foreman the following morning the reason why he was absent from work the previous day.

The record of the investigation indicates that Mr. Gosnell could have called the Carrier at some period of time during the five-hour period he was at the doctor's office along with his wife.

The Organization relies on Second Division Award 6237; as well as Second Division Award 8911. In Award 6237 the Claimant made an effort to contact his supervisor as soon as possible after taking his injured child for emergency room treatment; and in Award 8911 the Claimant called his foreman at 7:15 A.M. and advised that he might be in, but later did not report, under circumstances where his child was hospitalized on the prior evening with chest pains. In this case the Claimant made no attempt to call the Carrier from the doctor's office.

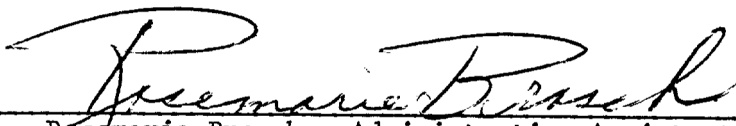
We believe that the Claimant violated Rule 30 when he did not notify his foreman as early as possible that he would be absent; and that he was responsible for failing to protect his assignment on October 6, 1980. We believe that a five-day actual suspension is excessive discipline under the uncontroverted facts of this particular record. The discipline is reduced to a two-day actual suspension. The Claimant shall be made whole for the three work days lost.

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 15th day of June, 1983.