

The Second Division consisted of the regular members and in addition Referee Ronald L. Miller when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers
(
(Southern Pacific Transportation Company
((Western Lines)

STATEMENT OF CLAIM:

1. That under the current Agreement, Mechanical Department Electrician R. C. Capaci was unjustly treated when he was dismissed from service on February 26, 1986, following investigation for alleged violation of portion of Rule 810 of the General Rules and Regulations of the Southern Pacific Transportation Company (Western Lines).

2. That accordingly, the Southern Pacific Transportation Company be ordered to restore Electrician R. C. Capaci to service with all rights unimpaired, including service and seniority, vacation, payment of hospital and medical insurance, group disability insurance, railroad retirement contributions, and loss of wages; including interest at the rate of six percent (6%) per annum.

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 employees 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.

Effective February 26, 1986, the Claimant was dismissed from employment with the Carrier for allegedly violating Rule 810 (excessive absenteeism) of the General Rules and Regulations of the Mechanical Department. The Organization contends that unavoidable, excused absences cannot be the basis for disciplinary action.

The record indicates that during 1985, Claimant was absent two hundred and sixty-eight (268) hours, was counseled on three separate occasions concerning his absence record, and was given a five (5) days suspension in November, 1985, for violation of Rule 810 (excessive absenteeism).

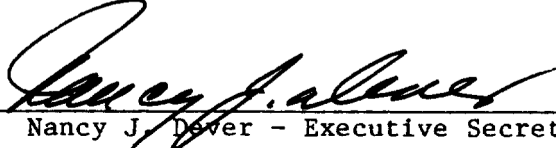
There is no evidence of record that the Carrier acted in an arbitrary or capricious manner in the handling of this case. The Claimant's attendance record is unacceptable.

However, given the circumstances of Claimant's absences and his length of service with the Carrier, Claimant shall be given a last chance to correct his absence record. Discipline has served its purpose. The Claimant shall be returned to employment with the Carrier, without backpay but with service restored.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 31st day of August 1988.