

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

(International Brotherhood of Firemen and Oilers
PARTIES TO DISPUTE: (
(CSX Transportation, Inc.

STATEMENT OF CLAIM:

1. That under the controlling agreement, Laborer R. T. Scott was unjustly suspended from service of the CSX Transportation, Inc. on August 25, 1986, after a formal investigation, which was held on July 21, 1986, by Mr. H. D. Bledsoe, Asst. Master Mechanic and Conducting Officer.

2. That accordingly, Laborer R. T. Scott be compensated for the days of August 25, 1986 through September 5, 1986, (10 work days) both dates inclusive, and the payment of 10% interest rate be added thereto.

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.

The facts in this case are not in dispute. The Claimant did not report for scheduled work on Monday, June 30, 1986, and Tuesday, July 1, 1986, and failed to report off in the prescribed manner. The Claimant contends that he made an "honest mistake" by starting his vacation earlier than scheduled. Subsequently, Claimant was charged with being absent without permission. Following an investigative hearing, Claimant was assessed a ten (10) days disciplinary suspension.

Six months prior to the dates involved in this case, Claimant entered a vacation request form. The Carrier scheduled the vacation as requested. Claimant began his vacation earlier than his requested and scheduled dates. A vacation schedule was not posted at his work location. The AGREEMENT between the Carrier and the Organization does not require such a posting, nor had it been the practice at the work location to post such a schedule. Rather, the practice had been for employees to confirm vacation days and dates at the Carrier's local office. Claimant did not confirm his vacation before absenting himself on June 30, 1986.

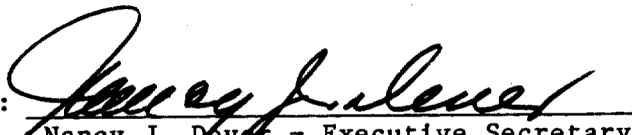
Claimant's unauthorized absences were entirely within his control. This Board has consistently held that the failure of an employee to fulfill his/her employment obligation to protect an assignment is proper and sufficient grounds for assessing discipline. Given Claimant's record of four (4) letters of caution and a five (5) days suspension (all dealing with absenteeism and early quits), we find no basis to set aside or modify the discipline assessed by the Carrier.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 19th day of April 1989.