

The Second Division consisted of the regular members and in addition Referee Joseph S. Cannavo, Jr. when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Firemen & Oilers
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM:

1. Under the current controlling Agreement, Laborer J. Bly, Marshalltown, Iowa, was unjustly dealt with when suspended for a period of ten (10) days (August 1, 1988 through August 10, 1988), following a hearing held on July 27, 1988.
2. That accordingly, Chicago and North Western Transportation Company be ordered to compensate Mr. Bly for all time lost at the pro rata rate and the mark removed from his record.

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 employes involved in this dispute are respectively carrier and employes 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.

As the result of an Investigation held on July 27, 1988, the Claimant received a ten (10) day suspension for excessive absenteeism due to absences incurred on June 29 and 30, 1988. The Claimant notified the Carrier of his absence due to a headache. The Organization claims that reference at the Hearing to twenty-seven (27) previous dates of absence dating back to October 1, 1987 violated the Carrier's obligation to furnish the Claimant with precise charges. The Organization further claims that the Claimant's past record was not used to assess discipline alone but to support a finding of alleged guilt.

The Board notes that the notice of Investigation states: "Your absenteeism became excessive when you were again absent on June 29 and 30, 1988." The Carrier exercised its judgment in determining that the cumulative nature of the Claimant's absenteeism became excessive with the June 29 and 30 absences. Such a conclusion by the Carrier is not unreasonable considering the number of absences involved. The Board also finds that the notice, as stated above, was sufficient to advise the Claimant of the nature of the Investigation.

The Claimant must be mindful that every employer expects its employees to report to work on a regular basis. The Claimant's propensity for numerous absences of short duration demonstrate his failure to meet the Carrier's justified expectations. Consequently, the Board finds that the discipline incurred by the Claimant is just and proper.

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 6th day of June 1990.