

The Second Division consisted of the regular members and in addition Referee George E. Larney when award was rendered.

Parties to Dispute: { System Federation No. 91, Railway Employees'
 { Department, A. F. of L. - C. I. O.
 { (Firemen & Oilers)
 { Louisville & Nashville Railroad Company

Dispute: Claim of Employes:

1. That under the Current and Controlling Agreement Transfer Table Operator W. H. Porter was unjustly dismissed from the service of the Louisville and Nashville Railroad Company, October 6, 1977, after a formal investigation was held in the office of F. L. Miracle, Asst. Manager, Motive Power Shops, on September 9, 1977.
2. That accordingly, W. H. Porter, Transfer Table Operator, be restored to his regular assignment at South Louisville Shops with all seniority rights unimpaired, vacation, health and welfare, hospital and life insurance be paid and compensated for all lost time, effective October 6, 1977.

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 employe 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, W. H. Porter, Transfer Table Operator at South Louisville Shops, was dismissed from the service of the Carrier on October 6, 1977 following a formal investigation held September 9, 1977. Claimant was charged with excessive absenteeism including tardiness on August 8, 10th and 11th, 1977, after being warned five (5) times to protect his assignment.

Upon a thorough examination of the record, the Board concludes the Claimant received a fair and impartial investigation in strict accord with Rule 32, the applicable discipline rule contained in the Controlling Agreement effective June 1, 1942 as amended through March 1, 1968. The Board finds the evidence overwhelmingly substantial with regard to Claimant's very poor attendance record which is summarized as follows: "the reasons for being off work were, car trouble 9, sick 15, late and no excuse 29, personal business 14, overslept 7, no reason but reported off 5, did not report off 67 times." The record reflects Claimant was afforded many opportunities in the past to improve his absentee record, but to no avail.

The Board reiterates its position as espoused in Second Division Award 6710 regarding an employee's obligation to protect the Carrier's service on the days he is assigned to work:

"Every employee has an obligation and a duty to report on time and work his scheduled hours unless he has good and sufficient reason to be late, to be absent, or to leave early. Those reasons must be supported by competent and acceptable evidence. No employee may report when he likes or choose when to work. No railroad can be efficiently operated for long if voluntary absences are condoned."

The Board is persuaded by the evidence showing Claimant's absenteeism and tardiness record to be wholly unsatisfactory and his effort to improve so deficient, that his dismissal from service of the Carrier was entirely justified.

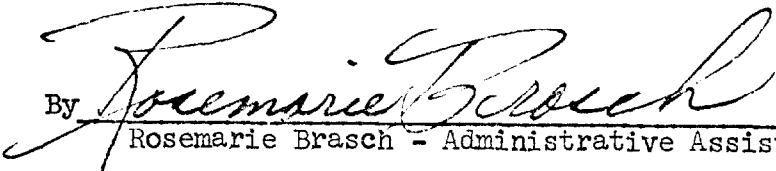
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 9th day of January 1980.