

Parties to Dispute: (Brotherhood Railway Carmen of the United States
(and Canada
(Burlington Northern Railroad Company

1. That under the current Agreement Mr. J. J. Martineau, Carman, was arbitrarily, capriciously and unjustly dismissed on September 18, 1978, from the service of the Burlington Northern, Inc. at Minneapolis, Minnesota.
2. That accordingly, the Burlington Northern, Inc. be ordered to compensate the aforementioned carman eight (8) hours pay for each workday at the pro-rata rate commencing September 18, 1978, and continuing until he is reinstated to the Carrier's service; that seniority, job protection benefits, vacation and pass rights be unimpaired and all other benefits accruing employees in active service.

Claimant agreed that he would report for work, but did not report in or call in again to explain why he was absent. Carrier thereupon charged claimant with failing to protect his assignment and scheduled a hearing into the matter on August 31, 1978. He was found guilty as charged and dismissed from carrier's service.

The transcript of that hearing is a part of the record of this case. A review of that record reveals that claimant was afforded a full and fair hearing, and granted all procedural and substantive rights required by agreement.

Claimant was discharged from carrier's service for failing to protect his assignment on August 10, 1978. The record of this case clearly reveals that he did, in fact, fail to report for work on that day. It also reveals that despite the fact that claimant's truck was not running, there were numerous other ways that he could have gotten to work. He did not choose, however, to make this effort. In fact, after his truck was fixed, he did not come to work. This lack of concern by claimant and his failure to appear for work on August 10 are certainly grounds for discipline.

Normally, these actions would not be grounds for permanent separation from carrier's employ. But this is not the first time that claimant has been disciplined for absenteeism and unauthorized absences. He has been disciplined on four previous occasions. He was suspended twice for absenteeism and dismissed from service on July 11, 1977, for being absent from duty without authority. He was reinstated by carrier on a leniency basis on October 31, 1977. He was counseled for absenteeism on April 5, 1978, and May 3, 1978.

Carrier has made an admirable effort to impress claimant with the need to appear at work on a regular basis. He has not responded to this effort. By his actions on August 10, he demonstrated a lack of concern for his job. This need not be tolerated by carrier. This Board has commented in numerous awards on the need for employees to maintain regular attendance in the railroad industry. We see no reason to again state the obvious.

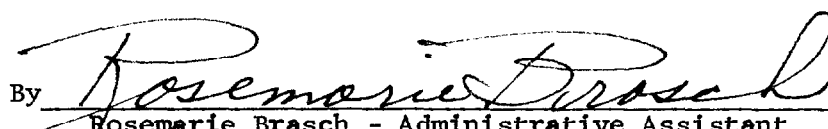
A W A R D

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 30th day of September, 1981.