

The Second Division consisted of the regular members and in addition Referee James F. Searce when award was rendered.

Parties to Dispute: { International Brotherhood of Electrical Workers
{ Southern Pacific Transportation Company

Dispute: Claim of Employees:

1. That the Southern Pacific Company (T&L), unjustly terminated the services of Electrician Clyde Thomas on September 13, 1979.
2. That accordingly the Southern Pacific Company (T&L) be ordered to restore Electrician Clyde Thomas with all seniority rights unimpaired, further that he be compensated for eight (8) hours each day commencing with September 13, 1979, continuous, plus holiday and overtime and all other fringe benefits until such time as he returns to work.

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 employee 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 was suspended and subsequently terminated on the basis of violation of Rule 810; specifically he was charged with absenting himself from employment without proper authority; his prior disciplinary record was considered in the assessment of the extent of discipline in this instance. The record shows that he was absent from duty June 9, 10, 11, 23, 30; July 6, 7, 8, 9, 14; and August 2, 11, 16, 24 and almost 7 hours of August 30, 1979. According to the Claimant he was either sick, attending to the needs of his ill wife or experiencing car trouble on one or more of such dates. He submitted a doctor's statement for several such dates and had his sister attest to one such absence in relation to his wife's problem. According to the Claimant, he reported in on all dates in question and properly received approval for such absences. Testimony of one of his supervisors indicated he received no such call. The Organization points to the Claimant's Time Card to substantiate its contention of proper approval: on all dates of absence with the possible exception of one, entries of word "sick" was made; certifying initials were also affixed. Essentially, the Carrier asserts such circumstance does not indicate approval of such absences and as a consequence the Claimant left his position unprotected.

The Claimant's prior record of discipline evidences a continuing record of non-availability from duty over an extended period of time and resultant discipline on charges of violations of Rule 810: on December 30, 1977 he was officially warned for changing a doctor's statement to support his absences from December 10 through December 29, 1977; on April 24, 1978 the Claimant was advised that his absence since March 31, 1978 was without proper approval and a letter of May 12, 1978 formalized a warning in this regard; on June 12, 1978, he was charged with absence without permission since May 12, 1978; on November 28, 1978 the Claimant was charged with absences from his assignment since November 1, 1978; on March 21, 1979 the Claimant was suspended for 30 days due to 18 absences in February, 1979. From such a recitation of charges and discipline, it is obvious that the Claimant was well-aware of his obligation under the applicable Rule.

We are satisfied that the Claimant's absences lacked proper authorization based upon a reading of the record as a whole. The arguments relative to the time card entries are not sufficiently persuasive to offset the otherwise clear indication that this employee's prior record of non-attendance would require approval of absences rather than a mere notation on the time card that the Claimant may have called in and reported sick. Noting that the Claimant had only built about three years service and considering his prior record of absences during such period, we find no error in the Carrier's assessment of dismissal as the proper discipline as supported by the record.

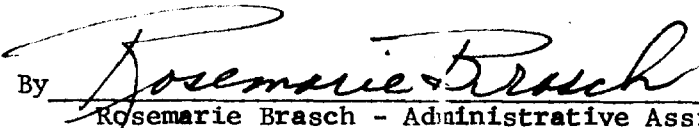
A W A R D

Claim is 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 28th day of October, 1981.