

The Second Division consisted of the regular members and in addition Referee Paul C. Carter when award was rendered.

Parties to Dispute: { Brotherhood Railway Carmen of the United States
and Canada
{ Baltimore and Ohio Chicago Terminal Railroad Company

Dispute: Claim of Employees:

1. That as a result of an investigation held on Thursday, April 5, 1979, Carman Gerald J. Cyr was suspended from the service of the Baltimore & Ohio Chicago Terminal Railroad Company for thirty (30) calendar days. Suspension was effective May 8, 1979 through June 6, 1979, inclusive. Said suspension of Carman Cyr is in violation of Rule 6, 14 and 26 of the current working Agreement as well as being arbitrary, capricious, unjust, unreasonable and unfair.
2. That, the Baltimore and Ohio Chicago Terminal Railroad Company, be ordered to compensate Carman Gerald J. Cyr for eight (8) hours pay at the pro rata rate for each and every work day that he was suspended and that his record be cleared of said suspension.

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.

The claimant was employed at Carrier's Chicago, Illinois, Railway Terminal. He had been in Carrier's service in excess of 28 years. On April 15, 1979, he was given an investigation on charge of excessive absenteeism from his assignment on the following dates:

| | |
|-------------------------------|-------------------------------|
| October 30, 1978 - no report | February 27, 1979 - no report |
| November 6, 1978 - absent | February 28, 1979 - no report |
| November 7, 1978 - no report | March 1, 1979 - absent |
| November 8, 1978 - no report | March 2, 1979 - absent |
| November 20, 1978 - no report | March 26, 1979 - no report |
| December 8, 1978 - no report | March 27, 1979 - no report |
| January 2, 1979 - no report | March 28, 1979 - no report |
| February 12, 1979 - no report | March 29, 1979 - absent |
| February 13, 1979 - no report | |
| February 26, 1979 - no report | |

In other words, during the period October 30, 1978 through March 29, 1979, he was absent 18 days.

Investigation was conducted on April 5, 1979, and a copy of the transcript has been made a part of the record. We have carefully reviewed the transcript and find that none of claimant's substantive procedural rights was violated. The investigation was conducted in a fair and impartial manner.

From our review of the record, we are of the opinion that some of claimant's absences were justified, such as the wedding of his daughter and the visit of his son military service, but he should have contacted his superiors.

The Board finds that discipline was warranted, but considering his 28 years of service, thirty days actual suspension was excessive. We will award that the discipline be reduced to twenty days actual suspension and that claimant be paid for time lost beyond the twenty days actual suspension, pay to be computed in accordance with Rule 37(a). Claimant should understand, however, that it is his obligation to take care of his job, and that his work attendance record must improve.

A W A R D

Claim sustained to the extent indicated in Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 2nd day of December, 1981.