

The Second Division consisted of the regular members and in addition Referee Clarence H. Herrington when award was rendered.

Parties to Dispute: (Brotherhood Railway Carmen of the United States
(and Canada
(
(Washington Terminal Company

Dispute: Claim of Employees:

1. That the Washington Terminal Company improperly suspended Car Repairmen W. McCullough for three (3) days as a result of an investigative hearing held September 26, 1979. This action is in violation of rules 18 and 29.
2. Mr. McCullough should be made whole, in line with rules 18 and 29. The Washington Terminal Company should be ordered to compensate Mr. McCullough for his net wage loss caused by this unjust suspension and for any other loss he may have been caused to suffer due to Carrier's miscarriage of justice.

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 given a three day suspension from service as a result of an investigation held on September 26, 1979, on the following charges:

"Excessive Loss of Time from Duty during the month of August 1979 as follows:

August 1979 - 1, 2, 3, 16, 17, 18, 19 and 31."

After a thorough examination of the record, the Board finds that the Claimant received a fair and impartial investigation and there was little or no evidence to contradict the Carrier's charge that the Claimant's attendance record was unsatisfactory. There is no evidence that the Claimant was "discriminated against". The record reflects Claimant was given a reprimand for excessive loss of time during May, 1979.

The Board has held on numerous occasions that the employer has a right to expect regularity in attendance. There are no mitigating circumstances in this case to modify this general principle.

The Board finds no basis to question the three day suspension penalty which was imposed.

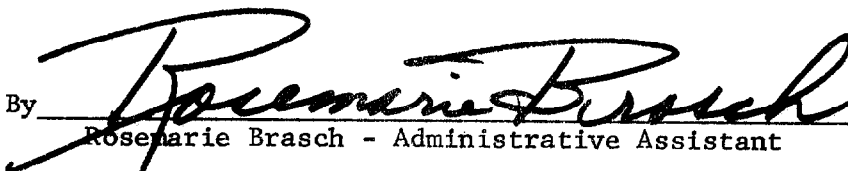
A W A R D

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 27th day of January, 1982.