

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
(
(Chicago and North Western Transportation Company

Dispute: Claim of Employees:

1. Coach Cleaner Douglass Duffy, California Avenue Car Maintenance Facility, Chicago, Illinois, was unjustly disciplined when he was assessed thirty (30) days actual suspension on July 26, 1979.
2. Coach Cleaner Douglass Duffy was erroneously charged with poor attendance due to absence on June 12, 15, and 28, and because of an early quit on June 29, 1979.
3. That the Chicago and North Western Transportation Company be ordered to compensate Coach Cleaner Douglass Duffy for all time lost plus 6% annual interest, as per Rule 35.

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 employees 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, a Coach Cleaner, was charged with poor attendance when he was absent on June 12, 1979, June 15, 1979, took early quit on June 28, 1979 and absent again on June 29, 1979. After a formal investigation was held on July 12, 1979, the Carrier suspended the Claimant for 30 days.

This Board has carefully studied the entire transcript of the investigation and briefs furnished by both parties and finds that the Claimant was, contrary to the Organization's belief, given a fair and impartial hearing and that none of the Claimant's substantive procedural rights were violated.

The facts developed in the investigation conducted on July 12, 1979, confirmed that Claimant was absent an excessive number of days in June, 1979. The Hearing Officer when questioning the Claimant asked:

"Q: The days that you were off this one month period, do you consider this excessive?"

"A: Oh, I think so."

It is a well established principle that every employe 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. This the Claimant failed to do.

The Organization, in its Rebuttal to Carrier's Ex Parte Submission to this Board, maintains that Claimant's prior record is not part of the charges in the case and was not used in the argument at any time during the progression of the claim on the property. The Claimant's prior record is significant and important.

The principle has been well established in prior decisions of this and other Boards that in determining the degree of discipline, after a rule violation has been established, a Carrier may take account of an employe's entire service record. Not only is it proper to do so, but necessary on grounds of equity and justice.

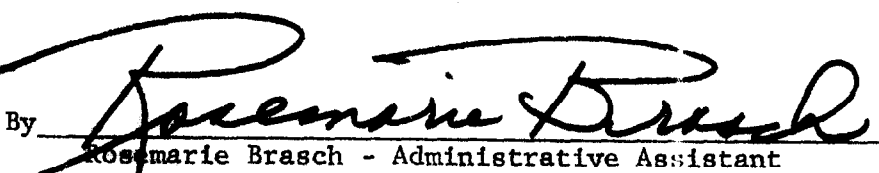
Suffice it to say that a review of the Claimant's past record, including absenteeism and tardiness is, without question, unsatisfactory. The discipline assessed in this case was not unjust, unreasonable or arbitrary. Therefore, we must uphold Carrier's discipline.

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.