

The Second Division consisted of the regular members and in addition Referee Robert W. McAllister when award was rendered.

Parties to Dispute:     { Brotherhood Railway Carmen of the United States  
                                     { and Canada  
                                     { Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That the Seaboard Coast Line Railroad Company violated the controlling agreement when Carman Apprentice, R. W. Flowers was unjustly disciplined and held off his position beginning June 16, 1980 through July 5, 1980, at Tampa, Florida.
2. That accordingly, the Seaboard Coast Line Railroad Company be ordered to compensate Carman Apprentice, R. W. Flowers for eight (8) hours at pro rata rate of pay for each day he was withheld from service for said violation.

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.

This case involves a twenty (20) day suspension given the Claimant, Carman Apprentice R. W. Flowers, for being late on April 23, 1980; for not working nor calling in to mark off on April 29, 30, 1980; and for not reporting to work on May 12, 14, 1980. In issuing the discipline, the Carrier also took into consideration the Claimant's prior work record relating to absenteeism, reporting late, and marking off early.

Our review of this record clearly establishes the evidence supports the Carrier's charges. The Claimant did not mark off for sickness or other good cause. His explanations were after the fact and cannot, by any standard, be considered as satisfying the requirement he notify his foreman as early as possible as required by Rule 19.

Implicit in any employment relationship is the responsibility of an employee to report to work as scheduled. Rule 19 does not grant employees the right to be off. Rather, it addresses fact situations involving unavoidable absence and positively imposes upon those absent employees the duty to notify their foreman as

soon as possible. Carrier Rule 26 involves the daily requirement to show up for work unless granted permission to do otherwise. Herein, there is no evidence the Claimant was unavoidably kept from work. His absences were not supported by good and sufficient reasons. Reporting to work on time and as assigned is not a voluntary act, and the Claimant has no reasonable basis to expect the Carrier to condone his non-compliance. Considering this Claimant's prior record, the totality of evidence supporting the Carrier, this Board has no basis to disturb the Carrier's action.

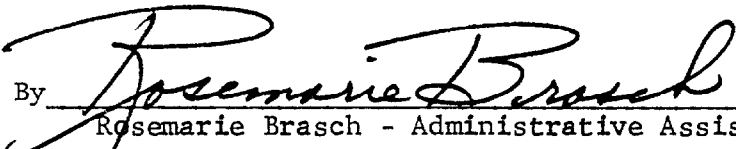
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 4th day of May, 1983.