

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 11682  
Docket No. 11341  
89-2-86-2-152

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

(International Association of Machinists and Aerospace  
( Workers

PARTIES TO DISPUTE: (

(CSX Transportation, Inc. (Seaboard System Railroad)

STATEMENT OF CLAIM:

1. That CSX Transportation, Inc. violated Rule 30, but not limited thereto, of the current agreement when it unjustly suspended Machinist Kenneth Cooper for 30 days following an investigation held on July 19, 1985.

2. That accordingly, CSX Transportation be ordered to compensate Mr. Cooper for all pay and benefits lost (made whole) as a result of said suspension and remove all reference to the charges from his record.

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 employes 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 has been employed by the Carrier since November, 1973. The Claimant had worked only 22 of the 150 work days from January 1 to May 1, 1985, and, as a result, had been assessed a 10-working day suspension for absenteeism on April 24, 1985. He was due to return to work on May 1, 1985, but failed to do so and also failed to call in to report his absence. On May 2, 1985, the Carrier received a call from an unidentified woman who said that the Claimant was unable to work, due to dizziness. However, though he was advised by letter on May 17, 1985, that future violations of work rules could result in more severe discipline, the Claimant failed to return to work or to contact the Carrier.

An investigatory hearing was scheduled for July 9, 1985, on the charges of, "...chronic and excessive absenteeism, being absent without permission from May 1, 1985, to the present date, and insubordination." It was rescheduled to July 19, 1985, until a certified letter informing the Claimant of the hearing could be hand-delivered to him. He was found guilty of the charges, and was notified by letter on August 14, 1985, that he would serve a 30-day suspension without pay to begin August 15, 1985, and end September 13, 1985.

In the testimony presented before this Board, it was evident that the Claimant failed to properly notify the Carrier of his absence in a timely manner, and failed to secure permission from the Carrier to remain out of work. Further, he did not supply adequate medical excuses and releases from his personal physician to account for his lengthy absence. In Second Division Award 6710, the Board stated:

"Every employee 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, or to be absent, or to leave early. Those reasons must be supported by competent and acceptable evidence. No employee may report when he likes or chose when to work. No railroad can be efficiently operated for long if voluntary absences are condoned."

Although the Claimant was clearly directed by the Carrier to adhere to the existing work rules governing absenteeism, there is insufficient evidence that he made an effort to do so. The Claimant is, therefore, found guilty of the charges and the claim is denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 22nd day of March 1989.