

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award **Number** 20953
Docket **Number** CL-21100

Lloyd H. Railer, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and Steamship
(Clerks, Freight Handlers, Express and
(Station Employees
(
(Southern Pacific Transportation Company
((Pacific Lines)

STATEMENT OF CLAIM:

Claim of the **System Committee** of the Brotherhood
(GL-7766) that:

(a) **The** Southern Pacific Transportation Company violated the
Clarke' **Agreement** when it **dismissed Mrs. Rena F. Coleman** from **service**;
and,

(b) The Southern Pacific **Transportation** Company shall now be
required to **restore Mrs. Rena F. Coleman** to service **with seniority right**
unimpaired and **compensate** her at the rate of her position for **November 2,**
1973 and each date **thereafter** until **restored** to **service** with seniority
rights unimpaired.

(c) **For any month in which claim is here made for compensation**
in behalf of the claimant Involved, the **Carrier** shall **also** make premium
payments on behalf of the claimant **in** the appropriate **amounts** required
under **Travelers Group Policy** Contract GA-23000, **as** amended, for all bene-
fits prescribed in that contract.

OPINION OF BOARD:

Following a formal **investigation** on the property,
by letter dated **November 21, 1973** Carrier notified
Claimant Rena P. Col---a **Senior Agent, Accounts--** that she **was** dismissed
from **service because** of certain actions found to be **in** violation of Rule 810
of **Carrier's General Rules and Regulations--specifically,** that portion of
Rule 810 reading:

"**Employees** must report for duty at the prescribed **time**
and place, remain at their **post** of duty, and devote them-
selves **exclusively** to their **duties during** their tour of duty.
They **must** not absent themselves from **their** employment with-
out proper authority...."

The actions of claimant which precipitated her **dismissal** were:
1) On October **31, 1973** she reported for duty approximately **30 minutes** after
her scheduled **7:50 A.M. starting time**; 2) Shortly before **9:00 A.M.** on
November 1, 1973 she left work after obtaining permission to go to the bank
for an emergency **personal reason**, and did not return to work **until 1:15 P.M.**

that day. With respect to the October 31, 1973 tardy reporting, claimant's explanation is that she "got lost", but the evidence indicates there was no reason for her to become lost--even though this was her first day on the job at the subject location--because she had visited the same location the previous day for the purpose of exercising her displacement rights. With respect to the November 1, 1973 incident, there is conflict in the testimony concerning whether claimant was given permission to be away from her job not more than 30 minutes, but she had no reason to believe she was excused for a period of more than four hours. Her absence for that period is not adequately explained.

The above-described conduct of Claimant Coleman was violative of Carrier's Rule 810 and made her liable for disciplinary action. In view of her prior extremely poor attendance record, for which she twice was dismissed, we cannot say that Carrier abused its discretion by taking dismissal action.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties valued oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 13th day of February 1976.