

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21458
Docket Number CL-21628

David C. Randles, Referee

(**Brotherhood** of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(**Express** and Station **Employees**

PARTIES TO DISPUTE: (
(Consolidated Rail Corporation
((former Lehigh Valley Railroad Company)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(**GL-8098**) that:

(a) The discipline entry of sixty (**60**) demerits imposed upon Scrap Cutter, Mr. **George W. Johnson, Jr.**, by letter over the signature of Mr. D. L. **Stubbs**, Superintendent of Locomotives, at Sayre, **Pennsylvania** on September **13, 1974**, following a hearing and investigation held on September 5, **1974** was **unjust, unfair** and excessive.

(b) Mr. Johnson's **record** be cleared of the charge and the sixty (60) demerit discipline entry be expunged from his record.

OPINION OF BOARD: This is a discipline case involving a Scrap Cutter, Claimant Johnson, working in the Stores **Department** facility at **Sayre**, Pennsylvania, **who was** charged and found guilty with being absent from work on four specific dates in **August** and September, 1974. He was assessed **60** demerits and the Organization appeals this discipline.

The transcript submitted to this **Board** indicates that Claimant had a "**very erratic** work attendance" record, even though he had only been in the employment of the Carrier for a very short period of time, i.e., **since** May, 1973. The excuses offered by Claimant **were** vague, frivolous and lacking in substance and Carrier could properly conclude that Claimant was a malingerer who was not interested in devoting himself to his railroad **employment**. We feel the assessment of discipline **was** reasonable under the circumstances.,

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

That the parties waived 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**;

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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. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 18th day of March 1977.

