

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22329
Docket Number WI-22383

Abraham Weiss, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way **Employees**
(New Orleans Public Belt Railroad

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The dismissal of Bridg- Helper R. T. Key because of his absence **from** duty on **January** 13, 1977 was excessively harsh and wholly disproportionate to the offense with which charged **and** on the basis of a hearing which was neither fair nor impartial because of the introduction **of** the claimant's personal **record** and other information at the hearing (System File **0.13.7**).

(2) The claimant shall be reinstated to service and accorded all other benefits described in Agreement Rule **16(f)**."

OPINION OF BOARD: The record contains substantial evidence that the Claimant who, at the time, had **20** months' service in the Bridge Department, three and one-half (**3-1/2**) years overall service, was absent without permission January **13, 1977**.

It also reflects that on March **12, 1976**, he was given a warning about absenteeism, **that** on December 2, 1976, he was given a **5-day** suspension for absenteeism, and that on December 30, **1976**, he **was** given **another** stern warning.

The **Claimant's** behavior convinced the Carrier that the **Claimant** did not care to fulfill his obligation as an employe to protect his assignment, and that to continue him **in** their employ was frivolous and detrimental. There is substantial evidence to uphold the Carrier's decision, and we shall not disturb it.

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;

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 28th day of February 1979.

