

NATIONAL RAILROAD **ADJUSTMENT BOARD**

THIRD DIVISION

Award Number 22383
Docket **Number MW-22388**

Abraham Weiss, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way **Employees**
(St. Louis-San Francisco Railway Company

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

(1) The dismissal of **Trackman** E. Gilbert was without just and sufficient cause and was arbitrarily and unreasonably imposed. (System File B-1688/R-20692)

(2) The claimant shall be restored to service with seniority rights unimpaired and with pay for all **time** lost, all in conformance with Agreement Rule **91(b)(6).**"

OPINION OF BOARD: The Claimant had been in the Carrier's employ for about 3 months when he was dismissed for excessive absenteeism without permission of, or notification to, his supervisor. Claimant's explanations for **his absences--11** days in all--were unconvincing.

The record also indicates that during part of the period when he was away from his assignment he was arrested and pleaded guilty to charges of possession of marijuana and paraphernalia.

Claimant's **absenteeism** record, considering his status as a new **employee**, is deplorable. It is indicative of a lack of responsibility and concern towards his job and the requirement to show up regularly for his assigned tours of duty. A very fundamental rule in any **employment** relationship is the duty to report regularly **for** work. The Board has on many occasions, too **numerous** to cite, upheld the principle that unauthorized absence from duty during assigned hours is a serious offense and frequently **results** in dismissal from service.

In addition, conviction of a crime such as possession of marijuana is sufficient grounds for dismissal. The issue is not a

new one and has been dealt with before. This Board has also previously held that confinement **in jail** does not constitute unavoidable absence for good **cause**.

Under all the circumstances here present, and in the light of well-established Board holdings in analogous situations, we find no justifiable reason for disturbing the action taken by the Carrier and, accordingly, we must deny the claim.,

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. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 16th day of April 1979.

