

NATIONALRAILROAD **ADJUSTMENT** BOARD

**THIRD** DIVISION

Award Number **22460**  
Docket Number FM-22638

Paul C. Carter, Referee

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

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

(1) The dismissal of Bridgeman-Helper **J. J. Trumbaturi** was without just or sufficient cause and it was exceedingly disproportionate to the offense with which charged. (Carrier's File No. 013.7)

(2) The hearing held on October 31, 1977 was neither fair nor impartial because the claimant's past work record **was recorded** therein.

(3) 'Because of either or both (1) **and/or** (2) above, the Carrier shall restore Claimant **Trumbaturi** to service and extend to him all the other remedies and benefits prescribed in **Rule 16(f)**."

**OPINION OF BOARD:** Claimant, a bridgeman helper, was dismissed from Carrier's service on October 5, 1977. as a result of absenteeism. Hearing was requested by **claimant** and scheduled for October 19, but **was** postponed to October 31, 1977, at the request of an officer of the Organization.

The Board has carefully reviewed the transcript of the hearing conducted on October 31, 1977, and find that none of claimant's substantive procedural rights was violated. The inclusion of claimant's past work record was not in violation of the agreement or prejudicial to claimant.

In the hearing evidence was presented that claimant did not notify the Bridge Department of his absence on October 4 and 5, 1977. The claimant's past record with respect to absenteeism was anything but satisfactory. He was previously discharged on two occasions for unauthorized absences and later reinstated in each instance. He was also given three warning letters concerning his excessive absenteeism. Based upon the record, we agree with the

observation of the Carrier that claimant was a habitual offender concerning absenteeism.

There is no proper basis for this Board to disturb the discipline imposed.

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.

...I  
AUG 20 1979  
S. A.  
...

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: *A. W. Paulsen*  
Executive Secretary

Dated at Chicago, Illinois, this **31st** day of July **1979**.