

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22633
Docket Number MW-22553

James F. Searce, 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 Track Laborer Joseph **Magee** was without just or **sufficient cause**.

(2) The Carrier shall restore **Trackman** Joseph **Magee** to service and accord him all of the remedies prescribed in **Agreement Rule 16(f)**."

OPINION OF BOARD: **Claimant** was employed as a **Trackman** on July 6, 1976. The record shows that he was discharged by date of August 13, 1976 for excessive absenteeism, reinstated on a leniency basis, issued warnings and disciplined short of discharge thereafter for unauthorized absences, discharged again March 31, 1977 for absenteeism, reinstated on a leniency basis by date of April 20, 1977 and thereafter discharged July 20, 1977 when he was absent fifteen days and otherwise not fully available for work four other days from April 21 to July 19, 1977. The **Claimant** apparently produced a variety of excuses, principally a complaint of medical disorders. The Organization contends, inter **alia**, the Carrier's charges against the **Claimant** to be vague and ambiguous.

We find nothing of record to suggest the Carrier did other than adhere to the provisions of the Agreement and to follow the well-established principle of progressive and corrective discipline. The **record** offers no basis to disturb the Carrier's actions here.

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 Employes involved in this dispute are respectively Carrier **and** Employes 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 is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 9th day of **November 1979**.

