

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22738
Docker Number CD-22682

Paul C. Carter, Referee

(Southern Railway Company
PARTIES TO DISPUTE: (
(Brotherhood of **Railway**, Airline and
(Steamship Clerks, **Freight** Handlers,
(Express and Station **Employees**

STATEMENT OF CLAIM: Carrier did **not** violate the agreement with the
Brotherhood of **Railway**, Airline and Steamship
Clerks as alleged, **when** it dismissed Mr. K. F. Watkins, Data Input
Operator, MIS Department, Atlanta, Georgia, from the service of the
Carrier for cause **on** August 31, 1977.

Since the agreement was **not** violated, Mr. Watkins is **not**
entitled to be restored to the service of the Carrier and be **com-**
pensated for all **time** lost beginning August 31, 1977 and continuing,
as claimed for and in behalf of Mr. Watkins by the Clerks'
Organization,

OPINION OF BOARD: This dispute, submitted to the Board by the
Carrier, involves the dismissal of **K. F. Watkins**,
a Data Input Operator **in** Carrier's MIS Department, Atlanta, Georgia,
with assigned hours **11:00** p.m. to 7:00 a.m.

Claimant had a seniority date of February 16, 1977.

On August 12, 1977, Carrier's Manager Data Service
telephoned Mr. Watkins (claimant) to discuss the latter's excessive
absenteeism. Mr. Watkins had been absent since July 19, 1977,
with the exception of one day. **Mr. Watkins returned** to work on
August 18, 1977, with a statement from his doctor to the effect that
Mr. Watkins had been under his care and that he could return to work
on a full-time basis on August 19, 1977. After working on August 18,
Mr. Watkins failed to work at all between August 19 and August 31,
1977. During this period Mr. Watkins did not personally contact his
supervisors to inform them that he would not be present.

On August 31, 1977, Carrier's Manager Data Service wrote
Mr. Watkins and dismissed him from the service for not complying
with instructions to personally contact his supervisors when
reporting off work and abandoning his position as Data Input Operator.

A hearing was requested by representative of the Organization, in accordance with the provisions of the applicable Agreement. Hearing was scheduled for September 20, 1977 and postponed and rescheduled for September 27, 1977. A copy of the transcript of the hearing has been made a part of the record. Following the hearing, the ~~representative~~ **representative** of the Organization was notified on **September** 30, 1977, that the dismissal of **Mr.** Watkins was upheld. Claim was then initiated by the Organization that Mr. Watkins be restored to the service with all rights unimpaired and with pay for all time lost beginning August 31, 1977. The claim was progressed in the usual manner on the property, and is properly before the Board for adjudication.

The Board has carefully reviewed the entire record, including the transcript of the hearing conducted on September 27, 1977. The record shows that Mr. Watkins had previously been instructed on several occasions that he was to personally notify his supervisors when it was necessary for him to be off. Mr. Watkins had also previously been suspended for thirty days for not protecting his **assignment** on two days and not notifying his supervisors that he would be absent from work. **It is also noted** that **Mr.** Watkins' work attendance record during his rather short period of service was far from satisfactory.

Based upon the entire record, the Board does not find the Carrier's actions in dismissing Mr. Watkins from service to be arbitrary **capricious** or in bad faith. The claim of the Carrier will be sustained.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the **Employees involved in** this dispute are respectively Carrier and Employee 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

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That the Agreement was not violated.

A W A R D

The dismissal of Mr. K. F. Watkins upheld.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

D&ted at Chicago, Illinois, this 29th day of February 1980.