

NATIONAL RAILROAD ~~ADJUSTMENT~~ BOARD

THIRD DIVISIOA

Award Number 23280
Docket Number ~~MT~~-23406

Carlton R. Sickles, 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 discipline assessed Machine Operator K.D. Silva for an absence of one (1) day ~~was~~ without just and sufficient cause and wholly disproportionate to such a charge (System File B-1761).

(2) Machine Operator K.D. Silva shall be compensated for all wage loss suffered."

OPINION OF BOARD: The claimant was dismissed from the Carrier's service for being absent from work on March 7, 1979. Subsequently, it was agreed between the parties to restore the claimant to service effective October 2, 1979 without pay for time lost, but with the understanding that such action would not jeopardize the Organization's right to process the claim for time lost. The claimant seeks compensation for the time lost between the date of termination and his return to service. The claimant was a member of a system gang, and the members of the gang slept in bunk cars. They were driven to and from the work location in a bus that left the location at 6:30 A.M. every morning. On the day in question, the claimant did not take the bus and alleges that because he knew he would not be allowed to work if he were late, he made no attempt to report in.

The Carrier alleges that the discipline imposed must be evaluated in light of the work history and attitude of the claimant. The Carrier points out that the claimant was dismissed from service from November 18, 1978 to January 8, 1979 on charges which are identical to those involved in this matter. Two other instances of absenteeism were cited in the record. We agree with the Carrier in this instance. The penalty follows the principle of progressive discipline and is reasonable.

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. Paulsen*
Executive Secretary

Dated at Chicago, Illinois, this 30th day of April 1981.