

NATIONAL RAILROAD ~~ADJUSTMENT~~ BOARD

THIRD DIVISION

Award Number **23353**
Docket Number **MW-23470**

Paul C. Carter, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way **Employees**
[Southern Pacific Transportation **Company**
(Texas and Louisiana Lines)

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

(1) The dismissal of **Trackman** Baron **Goodman** for 'being absent from your employment on **August 3, 1979**' was unwarranted and excessive (System File MW-79-130).

(2) **Trackman** Baron Goodman shall be reinstated with seniority and all other rights unimpaired and he shall be compensated for all wage loss suffered."

OPINION OF BOARD: Claimant was employed by the Carrier as a track laborer, and had been employed approximately four years, eight months. He was dismissed **from** service for being absent without proper authority. **The** record shows that the **claimant** called the District **Manager** the evening of August 3 and requested permission to be absent from duty on August 3. **This was** improper; he should have called in advance of his absence and not afterwards.

On August 3, 1979, the **Carrier's** Regional Maintenance of Way Manager notified **claimant** by certified mail at his last known address:

"You are dismissed from the service of Southern Pacific Transportation **Company** for being absent from your employment on August 3, 1979, as track laborer, Lafayette Division, without proper authority, which is in violation of Rule **810 and 811 of General Rules** and Regulations of **General** Notice effective April 1, 1978, of Southern Pacific **Transportation Company**, which reads as follows:

Rule 810. **'Employees** must report for duty at prescribed time and place, remain at their post of duty, and devote themselves exclusively to their duties during their tour of duty. They must not absent themselves from **their** employment without proper authority...*

"Rule 811. 'Employees must not absent themselves from their place, substitute others or exchange duties without proper authority...*

"Please surrender **any** company **property** you may have in your possession to the **Roadmaster's** Office at Avondale, Louisiana."

The above letter to the claimant was returned, **marked** "Moved, left no address," as was another certified letter sent to claimant on August 10, 1979.

There is no evidence in the record that claimant had notified the **Carrier** of **any change** in address.

Based upon the record as it exists, there is no proper basis for this **Board** to interfere with the discipline **imposed** by the Carrier, i.e., dismissal.

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. Paulson
Executive Secretary

Dated at **Chicago**, Illinois, this 14th day Of August 1981.

