

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23555
Docket Number CL-23783

Rodney E. Dennis, Referee

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-9317) that:

(a) The Carrier violated the Rules Agreement, effective July 1, 1972, particularly Article 18, when it assessed discipline of one (1) day's suspension on T. P. Coates, Vacation Relief Clerk, Washington, D. C., on February 7, 1979.

(b) Claimant Coates' record be cleared of the charges brought against her and she be compensated for wage loss sustained in accordance with the provisions of Article 18(e).

OPINION OF BOARD: Claimant T. P. Coates was absent from work on January 10, 19, 20 and 24, 1979. On January 25, 1979, Carrier notified Claimant that a hearing into the matter of her absences would be held on February 1, 1979. The charges to be reviewed were violation of Washington Terminal Company General Rule 0 ("no employee will be absent from duty, have a substitute perform his duties...").

At the conclusion of the hearing, Claimant was found guilty and assessed a one-day suspension. That suspension was appealed and the grievance has been placed before this Board for resolution.

The Board has reviewed the transcript of the hearing and the record of this case. It is our opinion that Claimant properly reported off sick and that Carrier made no objections to her being absent at the time she reported off. The record does not reveal that Claimant was in any way malingering or that she was not legitimately ill when she reported off. While the Board does not support absenteeism and we have taken the position that Carrier has a right to expect that employees will show up for work on a regular basis, we cannot support Carrier in this instance. Claimant was sick; she reported off in the proper manner. Carrier was not justified under these conditions in charging Claimant with a violation of Rule 0, finding her guilty and assessing her a one-day suspension.

Carrier approved Claimant's absence. No objections were raised and the record does not contain any indication that Carrier informed Claimant that she was in violation of any rule when she reported off. Carrier has no basis that is revealed in this record to discipline Claimant.

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 violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 10th day of March 1982.

