

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Ids Klaus, Referee

Award Number 23919
Docket Number MW-23931

PARTIES TO DISPUTE: ((Brotherhod of **Maintenance** of Way **Employes**
(Seaboard Coast Line **Railroad Company**

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

(1) The **suspension** of ten (10) days imposed upon **Trackman** J. B. Stephens was without just ad sufficient cause (System Mle C-4(13)-JBS/12-39 (79-33) J).

(2) The charges leveled against the **claimant** be stricken from his record and he **shall be compensated for all wage loss** suffered."

OPINION OF BOARD: **The** claimant protests the assessment of ten days of **actual** suspension for absence from **service** without permission and for unbecoming and uncivil conduct.

The Organization contends **that** the record does **not** support the charges and the discipline Imposed.

The facts elicited in the investigation are not **in** dispute.

The claimant conceded that he did not notify **his supervisor** that he would not report for work. He explained that his **wife** had become very ill and he could not leave the house to call the **office**. He also admitted that he **ordered** the **Roadmaster** in profane language to **leave** his property when the **Roadmaster** **visited** his home to find out why he had **not reported** for work. He explained that his **conduct** was provoked by the **Roadmaster**, who **harrassed and badgered him about his** failure to notify the office.

The Board concludes that the charges are **supported** by substantial evidence of **probative nature and that the penalty** assessed was **not** excessive. Accordingly, the claim must be denied.

This **Board** has **often stated that employes** have a **fundamental responsibility** to notify their **supervisors** of any contemplated absence. Excessive absenteeism on the railroads is a **serious** offense. While the claimant **may** have had good reason **to** believe that he should be absent, he could not choose to remain away from work without **permission**. Nor was this his first offense, for

he **had received** warnings on three prior occasions about unauthorized absence.

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: Acting Executive Secretary
National Railroad Adjustment **Board**

By 
Rosemarie Brasch - Administrative Assistant

Dated at **Chicago**, Illinois, this 30th day of June 1982.

