

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23960  
Docket Number SG-23951

Ida Klaus, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(Seaboard Coast Line Railroad Company)

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Seaboard Coast Line Railroad Company:

On behalf of Mr. T. A. Razzano, who was suspended 45 days, January 14, 1980, through February 27, 1980, following investigation held at Jacksonville, Florida, December 17, 1979."

(Carrier file: 15-47(80-1) H) (Sig. file 3370)

OPINION OF BOARD: The Claimant was assessed a 45-day suspension for failure to report for duty and absence from duty without permission, in violation of operating Rules.

The Organization challenges the validity of the suspension on two grounds: that the record does not support the charge; and that the disciplinary procedures were not fair and impartial.

The Claimant was absent from his assignment in Sebring, Florida, on November 30, 1979, without prior notice to the Carrier. He did not notify his superior of the reason for his absence until four hours after his scheduled starting time.

The Claimant's justification for the delayed notification is that he became ill the previous evening and was still feeling sick in the early morning. He decided to drive to his home in Jacksonville, an estimated 180 miles from his assigned headquarters. While on the road, he tried once to call his supervisor but was unable to reach him. About noon, within 15 minutes after his arrival home, he called and told his supervisor he was sick and needed permission to be absent from his assignment.

Having reviewed the record, the Board concludes that the investigation was fair and impartial and that the charges are supported by substantial evidence of a probative nature. We also find the discipline to be reasonable in the particular circumstances.

As this and other Divisions have often stated, unreported absence from work, even for a few hours, disrupts railroad operations. Failure to give notice as soon as possible of inability to report for work as scheduled is properly considered a serious offense, warranting relatively serious discipline. Operating rules make this clear.

The **Claimant** has not shown that he was too sick, or that he had no reasonable **opportunity**, to give notification of his absence at the earliest possible time. According to his testimony, the Claimant was aware of the notification requirements but nevertheless chose to delay **complying** with them for four hours after the start of his workday. It was then far too late to obtain permission for the four elapsed hours.

In view of the **nature** of the offense and the **Claimant's past** record of absences, the **Board** cannot find that the **45-day** suspension was **unreasonable**. **Moreover**, we find that the Claimant's **past** record was admitted in the investigative hearing for the sole purpose of providing a relevant basis for assessing **discipline** if the **particular** charges were later to be sustained. The **Organization's** contention of impropriety is thus without merit.

Accordingly, we will **deny** the claim.

**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.

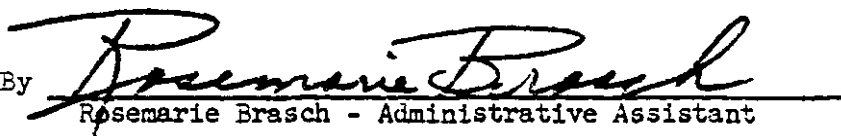
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Claim denied.

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 16th day of August 1982.