

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24312
Docket Number ~~MW-24254~~

Edward L. **Suntrup**, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(Southern Pacific Transportation Company (Eastern Lines)

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

(1) The dismissal of Laborer **Gary D. Bandy** for being absent **from** his assignment 'without proper authority **on August 19, 1980**' was arbitrary, an abuse of justice and discretion and wholly disproportionate to the offense with which charged (System File m-80-159).

(2) **The** claimant shall be reinstated with seniority, vacation and all other rights unimpaired and he shall be compensated for all wage loss suffered."

OPINION OF BOARD: Claimant, **Mr. G. D. Bandy**, entered service of the Carrier **on June 12, 1979**. **On August 22, 1980** he received notice **from** the Carrier that he had been absent **from his assignment** without proper authority **on August 19, 1980 in** violation of **Rule M 810 of** the General Rules and Regulations of the Carrier and as a consequence thereof he was dismissed from service. As a result of this action by the Carrier the Claimant requested a hearing, by letter dated August 28, 1980, which hearing was subsequently held on **September 22, 1980**. By letter dated September 24, 1980 **Claimant was informed** that his dismissal would stand since testimony taken at the hearing revealed that he was in violation of **Rule M 810** as **charged**. This Rule reads, **in** pertinent part:

"Employees must report for duty at the prescribed **time** and place . . . They must not absent themselves from their **employment** without proper authority."

A review of the transcript of the hearing **shows** that sufficient substantial evidence is present to warrant the conclusion that the **Claimant** is guilty as charged. **Testimony** of Claimant's General Foreman states that **Claimant** did not request permission from authority to be absent **on August 19, 1980** and this is corroborated by the **testimony** of the Claimant himself when he stated, **in hearing**, that he was aware of the reporting requirements and that he did not have permission to be absent **from his assignment** on August 19, 1980.

This Board has gone on record numerous times to the effect that **unauthorized** absence from work is **subject-matter** for discharge (See **Third Division Awards 10974, 16860, 21004 inter alla**). **In** the instant case the Board sees no reasonable cause for overturning the precedent found in the **above** noted Awards.

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*
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of April 1983.

