

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24692
Docket Number MS-24981

Eckehard Muessig, Referee

IL. Minella

PARTIES TO DISPUTE: (
(National Railroad Passenger Corporation (Amtrak)

STATEMENT OF CLAIM:

"This is to serve notice, as required by the rules of the National Railroad Adjustment Board, of my intention to file an ex parte submission on (30 days from date of this notice) covering an an (sic) unadjusted dispute between me and the National Railroad Passenger Corporation the question:

Discipline case of Louis Minella, Trackman, Penn. Sta. N.Y.
Docket number: BMW - SD - 3620
Dismissal for unauthorized absenteeism"

OPINION OF BOARD: The Claimant, a Trackman, was charged with excessive absenteeism. Following an investigative trial, the Carrier determined that he was guilty of the charge and, therefore, he was dismissed from the service.

There is no dispute that the Claimant was absent, in whole or in part, on the seven (7) days for which he was charged. The Claimant contends, however, that he had called a Supervisor (whose name he could not remember) and reported off duty on the dates in question. He also holds that he had been under a dentist's care during his absence.

The Carrier, for its part, asserts that it has no record of the Claimant's calls in its "Call-off-Log", and did not have a record of a letter from the Claimant's dentist until one was submitted at the appeal hearing.

The evidence of record does not provide substance to the Claimant's explanations. Unauthorized absence from duty is a serious offense, subjecting him to dismissal. The Board finds in the instant case that this discipline, particularly when weighed against the Claimant's previous disciplinary record for absenteeism, is not unreasonable.

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:'


Nancy J. Dyer - Executive Secretary

Dated at Chicago, Illinois this 24th day of February, 1984

