

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 2479,
Docket Number MW-24909

Eckehard Muessig, Referee

PARTIES TO DISPUTE: ((Brotherhood of Maintenance of Way **Employees**
(Seaboard Coast Line Railroad Company

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

(1) The dismissal of **Trackman** B. Foster for alleged violation of Agreement Rules 17(b), 17(c) and Carrier's 'Rule 18' was excessive and disproportionate to the offense with which charged (System File 37-SCL-81-19/12-39(81-38) G).

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

OPINION OF BOARD: The Claimant **was** advised to attend an investigation on a charge which essentially revolved about a contention of unauthorized and excessive **absenteeism**.

Subsequent to the investigation, the Claimant was notified that he had been found guilty and was dismissed from the service.

The Board finds that the Claimant had been repeatedly cautioned and disciplined with respect to his attendance habits to no avail. Therefore, **although** the Board is not unmindful of the Claimant's twelve years of service, his continued failure to protect his assignment after being placed on notice, coupled with his failure to provide documentation with respect to one of his absences after being requested to do so, leads to a denial of 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.

A W A R D

Claim denied.

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By Order of Third Division

ATTEST: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 30th day of April, 1984

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