

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25283  
Docket Number MW-24862

Rodney E. Dennis, Referee

(Brotherhood of Maintenance of Way **Employes**  
PARTIES TO DISPUTE: {  
(Consolidated Rail Corporation  
(Former Lehigh Valley Railroad Company)

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

Ill The discipline imposed upon **Trackman S. Dawkins** for 'Alleged failure to report for duty' on September 2, 3, 4, 5 and 11, 1980 was without just and sufficient cause and unwarranted (System Docket 666).

(2) The forty (40) demerits imposed upon the claimant shall be expunged from his record and he shall be compensated for all **wage** loss suffered (seven hours and forty minutes on September 11, 1980).

OPINION OF BOARD: Claimant **S. Dawkins** is employed as a **Trackman** and is regularly assigned to a track **gang** headquartered at South Plainfield, New Jersey. On September 2, 3, 4, and 5, 1980, he failed to report to **work**. On September 11, 1980, he arrived at work twenty minutes late. As a result of these incidents, Claimant was directed to appear for investigation in connection with the following **charge**:

Alleged failure to report for duty as a **Trackman** on the following dates: September 2, 3, 4, 5, 11, 1980. In light of your **previous** attendance record, this constitutes excessive absenteeism from your assignment.

A hearing into the matter was held on October 27, 1980. As a result of that hearing, Claimant was found guilty as charged and assessed a penalty of 40 demerits.

This Board has reviewed the record of this case and must conclude Carrier was justified in the actions it took. Each **employe** is responsible to **report** to **work** on a regular basis on time. Carrier need not tolerate **employes** who do not fulfill this requirement, whatever the reason for the excessive absence **or** tardiness may be. We shall deny this 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.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest

  
Nancy J. Dyer - Executive Secretary

**Dated** at Chicago, Illinois, this 28th day of February 1985.