

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25440
Docket Number MW-24794

Josef P. Sirefman, Referee

(Brotherhood of Maintenance of Way **Employees**
PARTIES TO DISPUTE: (
(Colorado and Southern Railway Company

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

(1) The discipline (censure) imposed upon Track Laborer **M. L. Peterman** for alleged violation of "**Rule 665**" on June 2, 1981 **was** without just and sufficient cause and on the basis of unproven charges (System File **C-21-81/MW-440**).

(2) **The** censure imposed upon the claimant shall be removed from his personal record.

OPINION OF BOARD: Claimant **M. L. Peterman**, a Track Laborer, was served with a June 4, 1981, notice of Investigation to ascertain the facts and determine responsibility for Claimant's failure to protect his assignment **on** June 2, 1981. **The** Investigation was held on June 12, 1981, and on July 10, 1981, an entry of censure was placed in Claimant's personnel record.

Claimant may well have had a valid reason for not reporting to duty on June 2, 1981. However, a review of the record establishes that Claimant did not secure permission to be absent, and did not contact the Carrier in timely fashion to say that he would be unable to report for duty that day. There was substantial evidence in the record to sustain the Carrier's determination to discipline Claimant. The penalty of a censure **was** not excessive.

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. Lever - Executive Secretary

Dated at Chicago, Illinois, this 30th day of April 1985.