

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26011  
Docket Number SG-26136

John W. Gaines, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(Southern Pacific Transportation Company (Eastern Lines)

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the  
Brotherhood of Railroad Signalmen on the Southern  
Pacific Transportation Company (Eastern Lines):

(a) Dismissal of Signalman M. A. Grimsley was excessive discipline for his alleged being absent from his job assignment without proper authority on October 25, 1983.

(b) Carrier should now be required to restore Signalman Grimsley to his former position, without loss of pay and all of his rights restored. (Carrier file 410-37-A)"

OPINION OF BOARD: Claimant is a Signalman with service dating from 1979 for the latest term of his employment with Carrier. He was dismissed for excessive absenteeism.

The issue is whether this dismissal is excessive discipline.

Claimant's initial absentee violation, being absent from his job assignment on September 15, 1983, without authority, resulted in a warning letter from Carrier quoting Rule M810. One quoted part of the Rule provides that continued failure to protect a job assignment is cause for dismissal. The record shows numerous violations. For repeating the violation on each of September 22, 23, 24, and 29, 1983, Claimant's personal record was assessed 45 demerits. Then, for unauthorized absences from his work on October 4 and 5, 1983, Claimant was given a delayed suspension, with twelve days' discipline imposed to commence October 31, 1983, through November 11, 1983. Meantime, however, Claimant's last violation intervened, being again absent without proper authority on October 25, 1983. He was then terminated.

Claimant argues mitigating circumstances for the October 25, 1983, unauthorized absence. But, we nowhere find substantial basis for us to substitute judgment of our own for the Hearing Officer's judgment. We do not find the discipline excessive.

Carrier has been patient in its efforts over the weeks to change the unacceptable behavior of Claimant. The progressive discipline imposed has not proved effective.

The penalty assessed here falls within Carrier's discretion.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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

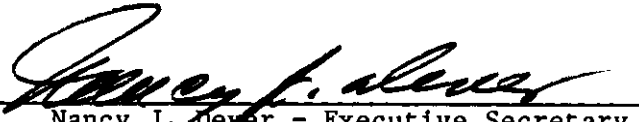
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 28th day of May 1986.

