

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26342
Docket Number MW-26498

Peter R. Meyers, Referee

PARTIES TO DISPUTE: ((Brotherhood of Maintenance of Way **Employees**
(Consolidated Rail Corporation

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

(1) The ten (10) days of suspension imposed up"" Repairman W. A. Gray for alleged 'Failure to report for duty at Canton M.W. Shop, Canton, Ohio on February 10, 1984, and reporting for duty after starting time on February 16, 1984, which in light of your previous attendance record (Absent July 12, 1983, August 3, 22, 1983, September 15, 1983, December 21, 1983; Late starts September 28, 1983, November 11, 1983, December 8, 20, 1983, January 19, 1984; Early quits June 3, 1983, October 13, 1983) constitutes excessive absenteeism' was arbitrary and without just and sufficient cause (System Docket CR-835-D).

(2) The claimant's record shall be cleared of the charge leveled against him and he shall be compensated for all wage loss suffered."

OPINION OF BOARD: Claimant is employed as a Repairman by the Carrier at its Canton, Ohio, Maintenance of Way Shop. Claimant was ~~noti-~~fied to attend a hearing in connection with a charge of excessive absenteeism. As a result of the hearing, Claimant was assessed a ten-day suspension. The Organization subsequently filed a Claim on Claimant's behalf, challenging the suspension.

This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence in the record to justify the Hearing Officer's finding that the Claimant was guilty of excessive absenteeism. This Board has found on numerous occasions in the past that every **employee** has a "obligation and a duty to report on time and work his scheduled hours. No railroad can be efficiently operated if **employees** can choose on what days and at what time they want to come to work.

Once this Board determines that there is sufficient evidence to support the guilty finding, we next turn **our attention** to the type of discipline imposed. This Board will not set aside a Carrier's imposition of discipline unless we find it to be unreasonable, arbitrary, or capricious.

In this case, the Claimant's record justifies the ten-day suspension.

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;

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That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes 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

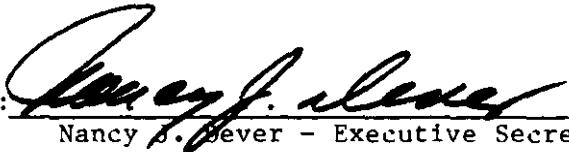
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, **this** 8th day of June 1987.