

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26387
Docket Number MW-26288

Marty E. Zusman, Referee

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

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

1. The five (5) days of suspension imposed upon Repairman G. L. All-**britain** for alleged 'Failure to report for duty at Canton, MW Shop Canton, Ohio on April 18, 1983, April 22, 1983, April 28, 29, 1983' and the five (5) days of ^{suspension} imposed upon him for alleged 'Failure to report for duty at Canton MW Shop Canton, Ohio on May **11**, 25, 1983, and **reporting** for duty after your starting time on May 10, 1983, **June** 1, 1983, and leaving work before **quitting** time on May 13, 1983' was excessive and without just and sufficient cause (System Docket CR-614).

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

OPINION OF BOARD: The case at bar involves two separate sets of charges wherein Claimant was alleged to have reported late, left early and been excessively absent from his employment responsibilities. Claimant was found guilty of the charges in both instances and for each one assessed a five (5) working days suspension.

A review of the record on property substantiates the Carrier's argument that the Claim is procedurally defective due to a time limits violation. Claimant's defense thereof, that a five day extension was granted is not backed by **evidentiary** support and, as such, fails.

Even if arguendo, the technical Rules were **not** violated, and this Board maintains **that** they most certainly were, the **case** would lack merit. The Transcript of each Hearing substantiates the charges of excessive absenteeism. The evidence documents that the Claimant in each case had established a record of absences which seriously questioned his dependability. In each case, Claimant had been counseled about his attendance problems, which included lateness and quitting early, as well as absenteeism. In each case Claimant continued to be absent. There is absolutely nothing in the record or **testimony** by the Claimant which in any **manner mitigates** guilt. It should be noted that disregard for employment responsibilities through excessive absenteeism has often resulted in dismissal (Third Division Award 24797; Second Division Awards 10333, 10129, 10128).

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

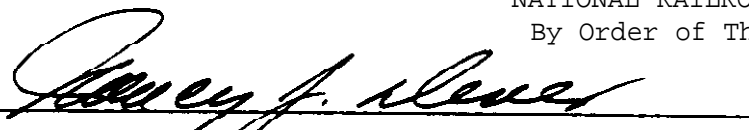
That the Claim is barred.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest::

A handwritten signature in cursive script, appearing to read "Nancy J. Dever", is written over a horizontal line.

Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 25th day of June 1987.