

The Third Division consisted of the regular members and in addition Referee Ronald L. Miller when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(Soo Line Railroad Company (formerly Chicago, Milwaukee,
(St. Paul and Pacific Railroad Company)

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

(1) The dismissal of B&B Carpenter J. E. McConnell for alleged tardiness and absenteeism was excessive and without just and sufficient cause (System File C #26-85/D-2696).

(2) The claimant shall be reinstated with seniority and all other rights unimpaired, his record cleared of the charges leveled against him and he shall be compensated for all wage loss suffered."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

The record clearly shows that in spite of repeated written and verbal warnings concerning his absences, and being placed on six (6) months probation, the Claimant continued to fail to protect his assignments by being absent without authority. The Claimant's attitude is exemplified by the incident on May 15, 1985, when he overslept and notified the Carrier that he "probably would not be in to work that day."

Excessive, unauthorized absences from work, in the context of repeated and clear warnings as to the consequences of such conduct, are properly a basis for dismissal. In this case, the Board finds no reasonable cause for setting aside or mitigating the dismissal of the Claimant.

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Award No. 26840
Docket No. MW-27228
88-3-86-3-374

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 25th day of February 1988.