

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: ( (Brotherhood of Maintenance of Way Employes  
(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 R. L. Miller for alleged

'Failure to report for duty on December 7, 1983 and December 21, 1983 at Canton M.W. Shop, Canton, Ohio and reporting for duty after starting time on December 28, 1983, which in light of your previous attendance record (Absent March 24, 1983, April 26, 1983, May 11, 1983, June 13, 1983, July 7, 8, 18, 27, 1983, September 22, 1983, October 13, 1983, November 3, 16, 1983; late start March 8, 1983 and September 28, 1983; early quits April 5, 1983, June 2, 1983, August 12, 1983) constitutes absenteeism'

was without just and sufficient cause (System Docket CR-780-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."

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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.

Subsequent to an investigation, the Carrier found that the Claimant failed to report for duty on December 7 and December 21, 1983, and reported after the beginning of his shift on December 28, 1983. The Carrier then considered the Claimant's past attendance record which showed a considerable number of other absences and concluded, on the basis of the total record, that the Claimant had been excessively absent from the work place.

We have carefully considered the explanations and contentions advanced by the Organization in support of the claim. However, we find that the record supports the Carrier in this matter. The Board also notes that the Claimant had been counseled in the past with respect to his absenteeism. Under the circumstances that we find in this record, a five day suspension cannot be said to be excessive.

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 April 1988.