

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

PARTIES TO DISPUTE: ((Brotherhood of Maintenance of Way Employees
(National Railroad Passenger Corporation
(Amtrak) - Northeast Corridor

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

(1) The thirty (30) days of suspension imposed upon Engineer Work Equipment Operator G. M. Young for alleged excessive absenteeism was improper, unwarranted and in violation of the Agreement (System File NEC-BMWE-SD-1449D).

(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.

Following an investigation into charges of excessive absenteeism on November 8, 18 and 25, 1985, the Claimant was adjudged guilty as charged. By letter dated January 13, 1986, the Claimant was suspended for thirty (30) calendar days.

At the investigation the Claimant admitted his absence on November 8 and 18, 1985. He contended that he had the flu on November 8 and went to see his doctor on November 18. However, he submitted no evidence to substantiate his position. As regards his absence on November 25, the Claimant stated he was sent home by the General Foreman because he had reported late for duty.

From our examination of the record established on the property the Board finds there is sufficient probative evidence to support the Carrier's determination as to the Claimant's culpability. See Third Division Award

26399 and Special Board of Adjustment No. 986, Cases 3 (which upheld Claimant's suspension for excessive absenteeism), 7, 10, 11, 15, 26, 27 and 36. These have previously found that the parties' October 26, 1976 Absenteeism Agreement does not preclude the Carrier from disciplining employees for excessive absenteeism and that three incidents of absenteeism (reporting late, absent, leaving early) within a 30 day period constitutes excessive absenteeism). There is no provision in the schedule Agreement which compels the Carrier, in this case, to permit an employee to work when he reports late for duty. See Second Division Awards 7355, 7384, 7551, 7567 and 8045.

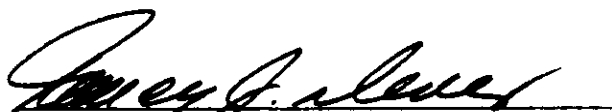
The Board notes that the Carrier's progressive discipline policy entails a letter of warning, a 10-day suspension, a 30-day suspension and finally dismissal. The Claimant's record discloses he had been given a letter of warning on November 24, 1984, for 3 absences in October, 1984, and a 10-day suspension in July, 1985, for 3 absences in March, 1985. Accordingly, it was not unreasonable for the Carrier to impose a 30-day suspension for the Claimant's offense in this dispute.

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 22nd day of September 1988.