Form 1 NATIONAL RAILROAD ADJUSTMENT BOARD Award No. 27711
THIRD DIVISION Docket No. MW-27374
89-3-86-3-664

The Third Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(
(Northeast Illinois Regional Commuter Railroad Corporation
(former Chicago, Rock Island & Pacific Railroad Company)

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

(1) The discipline imposed upon Assistant B&B Mechanic L. C. James for alleged violation of Rule 'Q' on August 6, 1985 and August 23, 1985 was unwarranted and without just and sufficient cause (System Files NIRCRC-D-1200/08-13-60 and NIRCRC-D-1202/08-13-59).

(2) The claimant's record shall be 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 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.

The Claimant was advised of a hearing concerning an alleged failure to protect an assignment on August 6, 1985. Subsequent to an investigation, the Claimant was assessed a thirty (30) day suspension.

On August 23, 1985, the Claimant was again notified of a hearing concerning a failure to protect an assignment on August 23, 1985. Subsequent to that investigation, he was assessed a 45 day suspension.

The Claimant was assigned to work 7 A.M. to 3:30 P.M. Mondays through Fridays.

A review of the evidence of record shows that the Claimant did fail to protect his assignment on August 6, 1985, even though he may have had car trouble and may have telephoned the Carrier almost two hours after the shift started. Moreover, the record shows that the Claimant did not report to duty on time on August 23, 1985, since he testified that he overslept.

Not only does Rule Q require employees to report at their appointed times, a Carrier memorandum specifies that if an employee cannot attend his duties, he must inform the Carrier prior to the starting time.

We note that the Claimant continued to call the Organization on the morning of August 6, 1985, rather than contacting the Carrier.

The Carrier justifies the severity of the length of suspensions based upon a review of the Claimant's past record concerning attendance and discipline.

Our review of the record indicates that the Claimant did, in fact, violate Rule Q and the Carrier memorandum. The Claimant had a telephone available to him on August 6, 1985, yet he was content to contact the Organization rather than the Carrier as is required by the pertinent Rule. We will deny the claim.

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 2nd day of February 1989.