

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis 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 twenty (20) days suspension imposed upon Truck Driver W. C. Trader for alleged violation of Rules 'K' and 'L', was arbitrary, capricious, without just and sufficient cause and on the basis of unproven charges (System File NEC-BMWE-SD-1146D).

(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.

Claimant sustained an injury on September 7, 1984, and was taken to the Osteopathic Medical Center. The physician stated he would be totally disabled until September 9, 1984.

Claimant contacted Carrier on September 18, 1984, and was informed that his absence since September 9 was unauthorized, and that he should submit written documentation from his physician as to his condition to justify his absence since September 9. No information was forthcoming.

Claimant contacted Carrier's office on September 28, 1984, to request postponement of an investigation scheduled to determine his responsibility for allegedly failing to comply with Carrier's directive to either return to his assigned duties or furnish medical documentation. He was again informed that he was to have his doctor supply written information to justify his absence. The information was not provided. The trial was postponed and was held on November 19, 1984. As a result of this hearing, a twenty-day suspension was imposed.

It is clear from the record that Claimant failed to comply with the rules set forth in the Agreement between the Organization and Carrier after being advised that he was obligated to file a doctor's report. Carrier was correct in concluding that Claimant was absent from duty without providing medical documentation to support such absence, as directed.

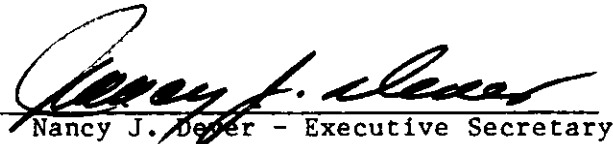
A review of the record indicates that the trial of the case was conducted fairly and impartially. The discipline imposed was not arbitrary, capricious, excessive, or an abuse of discretion under the circumstances set forth in the record.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Defer - Executive Secretary

Dated at Chicago, Illinois, this 2nd day of March 1989.