

Award No. 18129
Docket No. CL-18700

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John B. Criswell, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP
CLERKS, FREIGHT HANDLERS, EXPRESS AND
STATION EMPLOYEES**

PENN CENTRAL TRANSPORTATION COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6747) that:

(a) The Carrier violated the Rules Agreement, effective February 1, 1968, particularly Rule 6-A-1, when it assessed discipline of dismissal on John Sikora, Station Baggagehandler, (Utility Employee), Pennsylvania Station, New York, New York, New York Region, Metropolitan Seniority District.

(b) Claimant John Sikora's record be cleared of the charges brought against him on December 17, 1968.

(c) Claimant John Sikora be compensated for wage loss sustained by him as a result of the discipline.

OPINION OF BOARD: Claimant was dismissed from the Carrier's service after an investigation on charges he was improperly absent from work. Claimant did not attend the investigation.

On a number of days, Carrier claims, Claimant was not present for work and on four previous occasions had been given discipline of various degrees for similar breaches of rules.

After reviewing the record, we can not find that the Carrier was arbitrary, capricious or otherwise violated Claimant's rights in handling this matter. While the penalty of dismissal is severe, we will agree with many previous Awards of this Board (12438, 12127) that sustain the finding of the Carrier when no such determination of arbitrary action can be determined.

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

That the parties waived oral hearing;

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of September 1970.