

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21003
Docket Number CL-21083

Francis X. Quinn, Referee

(Brotherhood of Railway, Airline and Steamship
(Clerks, Freight Handlers, Express and
(Station Employees

PARTIES TO DISPUTE: (

(Chicago and North Western Transportation
(Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-7789) that:

1. Carrier violated the terms of the current Agreement, particularly Rule 21, when under date of August 30, 1973 it dismissed Mr. W. O. Harley, Control Clerk at Ravenswood Yard, from the service of the Carrier, and;

2. Carrier shall be required to compensate Mr. W. O. Harley for all time lost commencing August 24, 1973, the date suspended from service account Carrier's charges, and to continue until restored to service with all rights unimpaired. Reimbursement to include fringe benefits.

OPINION OF BOARD: Claimant was dismissed for unauthorized absence on August 22, 1973, for excessive absenteeism, and failure to comply with instructions to report to his supervisory officer prior to commencing his assignment after being absent from duty without permission, and failure to give an acceptable reason for such absence.

The record indicates that during Claimant's five years and eleven months of service he was tardy and/or absent a total of 265 days for which he was not compensated. The record also indicates that Claimant was given four written reprimands for the same.

One can hardly argue that this employe was not given ample opportunity to improve his record, nor that he was not adequately forewarned that the lack of improvement would result in disciplinary action. The Board realizes that permanent dismissal is indeed a most severe penalty but having carefully reviewed the record in this case the Board finds that the discipline assessed was not an abuse of management's discretionary authority and we are, therefore, constrained to deny the claim.

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 Employees involved in this dispute are respectively Carrier and Employees 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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A.W. Parker
Executive Secretary

Dated at Chicago, Illinois, this 12th day of March 1976.