

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21458
Docket Number CL-21628

David C. Randles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(Consolidated Rail Corporation
((former Lehigh Valley Railroad Company)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8098) that:

(a) The discipline entry of sixty (60) demerits imposed upon Scrap Cutter, Mr. George W. Johnson, Jr., by letter over the signature of Mr. D. L. Stubbs, Superintendent of Locomotives, at Sayre, Pennsylvania on September 13, 1974, following a hearing and investigation held on September 5, 1974 was unjust, unfair and excessive.

(b) Mr. Johnson's record be cleared of the charge and the sixty (60) demerit discipline entry be expunged from his record.

OPINION OF BOARD: This is a discipline case involving a Scrap Cutter, Claimant Johnson, working in the Stores Department facility at Sayre, Pennsylvania, who was charged and found guilty with being absent from work on four specific dates in August and September, 1974. He was assessed 60 demerits and the Organization appeals this discipline.

The transcript submitted to this Board indicates that Claimant had a "very erratic work attendance" record, even though he had only been in the employment of the Carrier for a very short period of time, i.e., since May, 1973. The excuses offered by Claimant were vague, frivolous and lacking in substance and Carrier could properly conclude that Claimant was a malingerer who was not interested in devoting himself to his railroad employment. We feel the assessment of discipline was reasonable under the circumstances.

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. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 18th day of March 1977.

