

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22329
Docket Number MW-22383

Abraham Weiss, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(New Orleans Public Belt Railroad

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

(1) The dismissal of Bridgeman Helper R. T. Key because of his absence from duty on January 13, 1977 was excessively harsh and wholly disproportionate to the offense with which charged and on the basis of a hearing which was neither fair nor impartial because of the introduction of the claimant's personal record and other information at the hearing (System File O.13.7).

(2) The claimant shall be reinstated to service and accorded all other benefits described in Agreement Rule 16(f)."

OPINION OF BOARD: The record contains substantial evidence that the Claimant who, at the time, had 20 months' service in the Bridge Department, three and one-half (3-1/2) years overall service, was absent without permission January 13, 1977.

It also reflects that on March 12, 1976, he was given a warning about absenteeism, that on December 2, 1976, he was given a 5-day suspension for absenteeism, and that on December 30, 1976, he was given another stern warning.

The Claimant's behavior convinced the Carrier that the Claimant did not care to fulfill his obligation as an employee to protect his assignment, and that to continue him in their employ was frivolous and detrimental. There is substantial evidence to uphold the Carrier's decision, and we shall not disturb it.

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;

Award Number 22329
Docket Number MW-22383

Page 2

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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A.W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 28th day of February 1979.

