

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22359
Docket Number MW-22356

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Louisville and Nashville Railroad Company

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

(1) The dismissal of Track Repairman C. E. Underwood was without just and sufficient cause and extremely disproportionate to the offense with which charged (System File 1-16(60)/D-106573; E-306-12).

(2) C. E. Underwood shall be reinstated to service with seniority rights unimpaired and with pay for all time lost."

OPINION OF BOARD: Claimant entered Carrier's service on June 18, 1974. Four months later he was dismissed for excessive absenteeism. Carrier reinstated him on February 27, 1975 as a matter of leniency and with his assurance that he would work regularly thereafter.

Claimant was dismissed again, on June 22, 1976. At the investigation which followed this dismissal the evidence showed that claimant had continued to absent himself without permission. He had been warned that such conduct could not continue. However, claimant did not correct his attendance record. The record shows that he was absent without permission on June 17, 18, 20 and 21, 1976.

The Board finds that the record contains substantial evidence to support Carrier's disciplinary action. There is no evidence that Carrier's actions were arbitrary or capricious. Accordingly, the claim will be denied.

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.

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 30th day of March 1979.

