

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22474  
Docket Number MW-22405

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(  
(St. Louis-San Francisco Railway Company

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

(1) The suspension of Trackman M. A. Rollins from January 3, 1977 up to but not including February 28, 1977 was without just and sufficient cause and, as a consequence thereof

(2) Trackman M. A. Rollins shall be paid for all time lost during the aforesaid period of suspension and the charge shall be stricken from his record, all as set forth in Agreement Rule 91(b)(6). (System File B-1373-1)"

OPINION OF BOARD: Subsequent to an investigation, Claimant was terminated for unauthorized absence and neglect of duty. Thereafter, the termination was reduced to a sixty (60) day suspension.

On December 31, 1976, the employee was advised, by his brother, that the employee's six month old son was ill, and required medical attention. He "...put my tools away and tried to get my car started...I left and went home." He testified that the only telephone available to call an official was located one and one-half miles away. He went home, got his wife and the baby, and went to the doctor's office.

The Claimant asserts that (because the child had been ill the preceding night) he had told the Watchman that he would be leaving early that day, and he did not know that the Roadmaster had returned from vacation. On the next work day, he told his Foreman not to mark him on the payroll for 8 hours on December 31, 1976.

Carrier disputes Claimant's assertion that he left all switches in proper condition, and that his absence did not affect the operation.

The Carrier's action was not, in our view, inappropriate. Certainly, we respect the fact that a father would show a significant concern for an ill child. But, the Claimant's assertion that there was an "emergency" doesn't convince us that an emergency actually existed under this record. We feel that the Claimant could have taken much more direct action to notify the Carrier of a necessity to leave, or, at least, he could have attempted to enlist the aid of his brother in that regard. Such action was, we feel, clearly indicated within the time frames and "urgencies" of the situation.

**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. Paulsen  
Executive Secretary

Dated at Chicago, Illinois, this 31st day of July 1979.