

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22817  
Docket Number MW-22869

Paul C. Carter, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(  
(Southern Pacific Transportation Company  
( Texas and Louisiana Lines

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

(1) The dismissal of Laborer A. R. Washington was without just and sufficient cause and was wholly disproportionate to the charge leveled against him (System File MW-78-96).

(2) Laborer A. R. Washington shall now be allowed the benefits prescribed in Article 14(f)."

OPINION OF BOARD: Claimant had been in Carrier's service about two years as laborer. On May 18, 1978, he was notified of his dismissal from the service because of being late for work on April 18, April 24, and May 16, 1978, in violation of Rule 810 of the General Rules and Regulations of the Southern Pacific Transportation Company, which reads in part:

"Employee must report for duty at the prescribed time and place..... They must not absent themselves from their employment without proper authority.

"Continued failure by employee to protect their employment shall be sufficient cause for dismissal....."

Claimant requested a hearing, which was scheduled for 9:00 A.M., May 31, 1978. The hearing was conducted as scheduled and on June 2, 1978, claimant was notified that his dismissal would stand. A transcript of the hearing has been made a part of the record.

We have carefully reviewed the transcript of the hearing. There was substantial evidence adduced in support of claimant's dismissal. The record also shows that claimant had been disciplined on three previous occasions for violation of Rule 810. He was assessed demerits on two occasions and dismissed on one occasion and subsequently reinstated. Apparently the prior discipline did not have the desired results.

There is no proper basis for the Board to interfere with the discipline imposed.

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 April 1980.

