

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22838
Docket Number SG-22970

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(National Railroad Passenger Corporation

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the National Railroad Passenger Corporation:

NEC-BRS-SD-2D - Appeal of the discipline of dismissal assessed against A. Lawrence, Assistant Signalmen, New York, New York."

OPINION OF BOARD: Claimant entered the service of carrier as an assistant signalman on June 20, 1977. After an investigation for an alleged violation of Rule K (excessive absenteeism), he was discharged from service on September 22, 1978. A hearing was held on September 8, 1978, and the transcript of that hearing is part of the record of the present case. The Board has carefully reviewed the entire record and finds that all of the claimant's substantive procedural rights have been afforded him.

The facts of the instant dispute are not in contention. Claimant was absent from work on July 20 and 26 and on August 18, 22, 24 and 28, 1978. He did not notify the company of his intent to be absent on four of these occasions and gave unacceptable reasons for his absence on two of the days. These actions, by themselves, would call for severe discipline and perhaps even discharge. When these incidents are viewed together with claimant's total work record on time and attendance, the case against claimant is overwhelming.

Claimant had had three formal trials for previous incidents of excessive absenteeism. One resulted in a ten-day suspension. He also was served with three formal notices cautioning him about his attendance record.

This Board thinks carrier has been exceedingly patient with claimant and has attempted, through counseling and progressive discipline, to impress him with his responsibility to appear at work on a regular basis. He has not responded to carrier's attempts to rehabilitate him and this failure to respond has resulted in his discharge.

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 has not been violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this 16th day of May 1980.

JUN 1 1980