

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23353  
Docket Number MW-23470

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 Trackman Baron Goodman for 'being absent from your employment on August 3, 1979' was unwarranted and excessive (System File MW-79-130).

(2) Trackman Baron Goodman shall be reinstated with seniority and all other rights unimpaired and he shall be compensated for all wage loss suffered."

OPINION OF BOARD: Claimant was employed by the Carrier as a track laborer, and had been employed approximately four years, eight months. He was dismissed from service for being absent without proper authority. The record shows that the claimant called the District Manager the evening of August 3 and requested permission to be absent from duty on August 3. This was improper; he should have called in advance of his absence and not afterwards.

On August 3, 1979, the Carrier's Regional Maintenance of Way Manager notified claimant by certified mail at his last known address:

"You are dismissed from the service of Southern Pacific Transportation Company for being absent from your employment on August 3, 1979, as track laborer, Lafayette Division, without proper authority, which is in violation of Rule 810 and 811 of General Rules and Regulations of General Notice effective April 1, 1978, of Southern Pacific Transportation Company, which reads as follows:

Rule 810. 'Employee must report for duty at prescribed time and place, remain at their post of duty, and devote themselves exclusively to their duties during their tour of duty. They must not absent themselves from their employment without proper authority...'

"Rule 811. 'Employees must not absent themselves from their place, substitute others or exchange duties without proper authority...'

"Please surrender any company property you may have in your possession to the Roadmaster's Office at Avondale, Louisiana."

The above letter to the claimant was returned, marked "Moved, left no address," as was another certified letter sent to claimant on August 10, 1979.

There is no evidence in the record that claimant had notified the Carrier of any change in address.

Based upon the record as it exists, there is no proper basis for this Board to interfere with the discipline imposed by the Carrier, i.e., dismissal.

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. Paulson*  
Executive Secretary

Dated at Chicago, Illinois, this 14th day of August 1981.

