

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23919
Docket Number MW-23931

Ida Klaus, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(
(Seaboard Coast Line Railroad Company

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

(1) The suspension of ten (10) days imposed upon Trackman J. B. Stephens was without just and sufficient cause (System File C-4(13)-JBS/12-39 (79-33) J).

(2) The charges leveled against the claimant be stricken from his record and he shall be compensated for all wage loss suffered."

OPINION OF BOARD: The claimant protests the assessment of ten days of actual suspension for absence from service without permission and for unbecoming and uncivil conduct.

The Organization contends that the record does not support the charges and the discipline imposed.

The facts elicited in the investigation are not in dispute.

The claimant conceded that he did not notify his supervisor that he would not report for work. He explained that his wife had become very ill and he could not leave the house to call the office. He also admitted that he ordered the Roadmaster in profane language to leave his property when the Roadmaster visited his home to find out why he had not reported for work. He explained that his conduct was provoked by the Roadmaster, who harrassed and badgered him about his failure to notify the office.

The Board concludes that the charges are supported by substantial evidence of probative nature and that the penalty assessed was not excessive. Accordingly, the claim must be denied.

This Board has often stated that employes have a fundamental responsibility to notify their supervisors of any contemplated absence. Excessive absenteeism on the railroads is a serious offense. While the claimant may have had good reason to believe that he should be absent, he could not choose to remain away from work without permission. Nor was this his first offense, for

he had received warnings on three prior occasions about unauthorized absence.

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 Employee involved in this dispute are respectively Carrier and Employee 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: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 30th day of June 1982.

