

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24250
Docket Number CL-24224

Robert W. McAllister, Referee

PARTIES TO DISPUTE: { Brotherhood of Railway, Airline and Steamship Clerks,
 { Freight Handlers, Express and Station Employees
 { Southern Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9481)
that:

1. Carrier violated the Agreement at Raleigh, North Carolina when on January 2, 1980 it unjustly dismissed Mr. Yurek Hajdalenko from service on a charge of allegedly failing to protect his assignment as Yard Clerk on November 23, 1979. For this violation Carrier shall now return Mr. Yurek Hajdalenko to service with all rights unimpaired and compensate him for all time lost commencing January 2, 1980 and continuing until such restoration has been accomplished.

OPINION OF BOARD: Yurek Hajdalenko, the Claimant, was assigned as a yard clerk in Carrier's Raleigh, North Carolina, facility. He first established seniority in June of 1971. On November 23, 1979, the Claimant was scheduled to work from 3:00 P.M. to 11:00 P.M. This assignment would have been his first subsequent to his completing a ninety (90) day suspension. The Claimant did not work on the 23rd and was charged with failure to protect his assignment. Following an investigation, he was dismissed from service when the Carrier concluded the evidence proved he failed to protect his assignment on November 23, 1979, and he has not worked any position since that date.

The Organization claims this dismissal was without just and sufficient cause. It contends the Claimant notified the Carrier he would be unable to protect his assignment because his car was inoperable and he was stranded some 35 miles from his job at least an hour and forty-five minutes before his start. Furthermore, the Organization points out the Carrier had another employee who could work the position. Under these circumstances, the Organization asserts Claimant had sufficient and reasonable excuse for his absence.

The Carrier introduced testimony that its Agent, Terminal Control, did not excuse the Claimant on November 23, 1979. The record shows Claimant did not work that day nor did he protect his assignment on any following day. His only excuse was that he thought he was marked off because he would have been in the same situation until his car was repaired.

This Board has frequently and consistently held an employee is obligated to report for duty as scheduled. We find the record supports the Carrier's findings and, especially, note that under the circumstances of the 23rd, Claimant could have made arrangements to show up late. Thus, it is clear some degree of discipline was warranted. As previously indicated, the Claimant made no effort to cover his assignment in the ensuing days. Since July, 1979, he has worked but

a few days due to a thirty (30) and a ninety (90) day suspension. In looking at this Claimant's actions, coupled with his prior record of discipline involving similar problems of protecting his assignment, the Board finds no reason to disturb the action taken by the Carrier.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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.

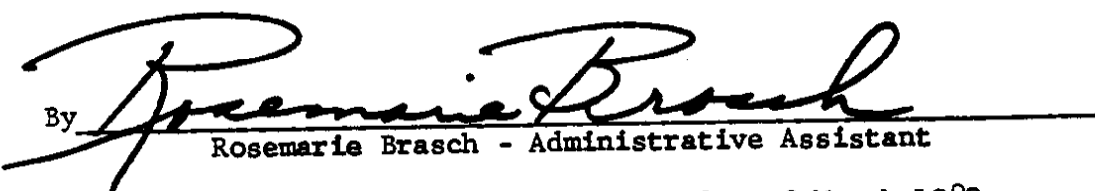
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 23rd day of March 1983.

