

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24312
Docket Number MW-24254

Edward L. Suntrup, Referee

PARTIES TO DISPUTE: { Brotherhood of Maintenance of Way Employees
{ Southern Pacific Transportation Company (Eastern Lines)

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

(1) The dismissal of Laborer Gary D. Bandy for being absent from his assignment 'without proper authority on August 19, 1980' was arbitrary, an abuse of justice and discretion and wholly disproportionate to the offense with which charged (System File MW-80-159).

(2) The claimant shall be reinstated with seniority, vacation and all other rights unimpaired and he shall be compensated for all wage loss suffered."

OPINION OF BOARD: Claimant, Mr. G. D. Bandy, entered service of the Carrier on June 12, 1979. On August 22, 1980 he received notice from the Carrier that he had been absent from his assignment without proper authority on August 19, 1980 in violation of Rule M 810 of the General Rules and Regulations of the Carrier and as a consequence thereof he was dismissed from service. As a result of this action by the Carrier the Claimant requested a hearing, by letter dated August 28, 1980, which hearing was subsequently held on September 22, 1980. By letter dated September 24, 1980 Claimant was informed that his dismissal would stand since testimony taken at the hearing revealed that he was in violation of Rule M 810 as charged. This Rule reads, in pertinent part:

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

A review of the transcript of the hearing shows that sufficient substantial evidence is present to warrant the conclusion that the Claimant is guilty as charged. Testimony of Claimant's General Foreman states that Claimant did not request permission from authority to be absent on August 19, 1980 and this is corroborated by the testimony of the Claimant himself when he stated, in hearing, that he was aware of the reporting requirements and that he did not have permission to be absent from his assignment on August 19, 1980.

This Board has gone on record numerous times to the effect that unauthorized absence from work is subject-matter for discharge (See Third Division Awards 10974, 16860, 21004 inter alia). In the instant case the Board sees no reasonable cause for overturning the precedent found in the above noted Awards.

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 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 14th day of April 1983.

