

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24537  
Docket Number MW-24251

Ida Klaus, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(  
(Missouri Pacific Railroad Company

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

(1) The thirty (30) days of suspension imposed upon Trackman J. O. Williams was excessive and disproportionate to the charge leveled against him (Carrier's File S 310-349).

(2) The claimant shall be compensated for all wage loss suffered including holiday pay."

OPINION OF BOARD: The Petitioner protests a 30-day suspension as excessive and disproportionate to the charges of absence without authority on two occasions. The Petitioner asserts that no penalty should be assessed.

In the investigation conducted on the property, the claimant asserts that (on one of the occasions he did make a timely effort by telephone to give advance notice of his absence but was unable to reach his supervisor. On the other occasion, he said, he believed that his absence was authorized.)

The Carrier found the claimant's explanation to be unacceptable and it determined that the charges were warranted.

As the weight of the evidence clearly supports the Carrier's ultimate conclusion as to the facts, its judgment must stand.

The Board does however, find the penalty imposed to be excessive on all the facts established. While we emphasize the importance of regular attendance and the need for compliance with reasonable requirements to curtail absenteeism, we consider a suspension of 30 days to be an excessive penalty on the facts established. On those facts, we deem a 15-day suspension to be fair and just.

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;

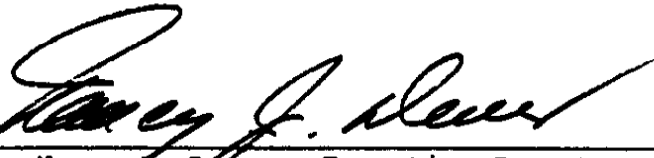
That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the discipline was excessive.

A W A R D

Claim sustained in accordance with the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:   
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 19th day of October, 1983.

