

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24541
Docket Number TD-24293

George S. Roukis, Referee

PARTIES TO DISPUTE: (American Train Dispatchers Association
(
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

System Docket No. CR-98

"Claim of the American Train Dispatchers Association that appellant P. N. Pappas, Assistant Chief Dispatcher Harrisburg, Pa., is not guilty of the offense - Failure to report for duty at the Harrisburg Movement Office, 600 Corporate Circle, Harrisburg, Pa., on July 20, 1980, which in light of your previous attendance record constitutes excessive absenteeism, assessed fifteen (15) days discipline on G-32, Notice of Discipline, dated August 6, 1980."

OPINION OF BOARD: This case closely parallels a companion case involving the same Organization and the same Carrier with respect to a charge of excessive absenteeism. In that case, Award No. 24540, we held that a pattern of excessive absenteeism was present when the Claimant therein was mostly absent on days preceding his normal rest days and was counseled by his supervisor on three occasions before disciplinary action was initiated.

In the case before us, we have an analogous situation. Claimant, an Assistant Chief Dispatcher, was charged with failure to report for duty on July 20, 1980 which in light of his previous attendance record, was considered excessive absenteeism by Carrier. An investigation was held on August 1, 1980 and he was assessed a fifteen (15) day deferred suspension. This disposition was appealed.

From the record, he had been counseled on at least three occasions within the year preceding the investigative hearing. There is no dispute regarding the inherent propriety of these absences since Claimant properly reported off, but Carrier perceived these absences as being excessive.

In considering the parties arguments, we agree with Carrier's basic position. Claimant's attendance pattern certainly raised a reasonable concern, but more importantly, Carrier counseled him on several occasions about his absences. This is a telling distinction since he was officially advised that his attendance record would be monitored. When he was again absent on July 20, 1980, it was not unreasonable for Carrier to institute charges in view

of its prior admonitions. We do not feel, however, that the fifteen (15) days deferred suspension is warranted herein since Claimant properly reported off on the days he was absent, and there is some indication that he might have been ill. He was hospitalized in November, 1979. Moreover, his long term service with Carrier merits some consideration. We believe that a Letter of Warning is a more appropriate and balanced disciplinary response and more in accordance with the established precepts of progressive discipline. The instant penalty is reduced to a Letter of Warning. The reasoning in Award No. 24540 is controlling herein.

FINDINGS: The Third 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

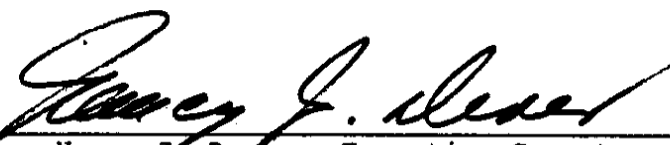
That the discipline was excessive.

A W A R D

Claim sustained in accordance with the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Nancy J. Deyer - Executive Secretary

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

