

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25416
Docket Number MW-25461

Paul C. Carter, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(Metro-North Commuter Railroad
(Consolidated Rail Corporation (NYNH&H))

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

(1) The dismissal of Trackman C. Hinton for alleged excessive absenteeism was without just and sufficient cause (System Docket NH-100).

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

OPINION OF BOARD: The record shows that Claimant entered Carrier's service as a Trackman on August 12, 1974. On December 28, 1981, he was notified to attend trial on the charge:

"Failure to cover your assignment on September 4, 8, 9, 10, 11, 14, 15, 16, 21; October 12, 13, 14; November 9, 10, 12, 13, 16 and 17, 1981, which constitutes excessive absenteeism."

The trial was scheduled and held on January 5, 1982, and a copy of the Transcript has been made a part of the record. Following the trial, Claimant was dismissed from Carrier's service on January 12, 1982.

A review of the Transcript of the trial shows substantial evidence that Claimant was absent on the dates listed in the charge without permission or without notice to Supervisory personnel. The record also shows that Claimant had been disciplined by suspension on three prior occasions for excessive absenteeism.

This Board has issued numerous Awards upholding the dismissal of employees for excessive absenteeism. There is no proper basis for the Board to interfere with the discipline imposed by the Carrier.

The Board notes that some of Carrier's Exhibits - the reproduced Awards, are almost illegible. Its Exhibit "B" is illegible. We have taken occasions in the past to caution parties to disputes before this Division that if they expect exhibits and other material to be considered, then such exhibits and material must be submitted in legible form. We renew that caution.

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

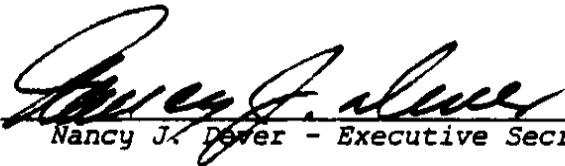
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 30th day of April 1985.