

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26114
Docket Number MW-26251

John W. Gaines, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(
(Burlington Northern Railroad Company
(former St. Louis-San Francisco Railway Company)

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

(1) The dismissal of Trackman D. Williams for alleged 'failure to comply with Safety Rule 502' was without just and sufficient cause (System File B-1547-1/MWC 84-1-27B).

(2) The claimant shall be reinstated with seniority and all other rights unimpaired, his record shall be cleared of the charge leveled against him and he shall be compensated for all wage loss suffered."

OPINION OF BOARD: Claimant, a Trackman, left his assignment 3 1/2 hours early on the afternoon of September 30, 1983. He was dismissed on the following working day for the absence, and the dismissal was upheld in a formal Investigation held by Carrier on October 20, 1983.

The Parties' Rules prohibit unauthorized absences from duty, and the testimony of Claimant and of Carrier's witnesses amply evidenced that Claimant had absented himself without proper authority. Discipline was warranted.

Such unauthorized absence, and particularly that violation when repeated, can warrant dismissal. Claimant's repeated absence violations were fully explored in exchanges made on the property. Carrier's adherence to its dismissal decision reflects not undue harshness, but rather a discretionary matter resting with Carrier.

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 Employes involved in this dispute are respectively Carrier and Employes 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

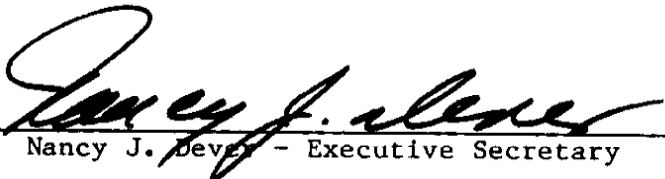
That the Agreement was not violated.

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 19th day of September 1986.

