

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26698
Docket Number MW-27135

Ronald L. Miller, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Detroit, Toledo and Ironton Railroad Company

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

(1) The five (5) working days of suspension imposed upon Track Patrolman R. B. Keefer for 'failing to protect your job assignment on August 27, 30, 31, September 10, 11 and 13, 1984' was without just and sufficient cause and in violation of the Agreement (Carrier's File 8365-1-185).

(2) The Claimant's record shall be cleared of the charges leveled against him and he shall be compensated for all wage loss suffered."

OPINION OF BOARD: The Claimant's absences during the time period at issue are as follows (his reporting-in time is regularly 7:30 a.m.):

Monday	August 27, 1984	Absent
Tuesday	August 28, 1984	Absent 7:28 a.m. notification
Thursday	August 30, 1984	Absent
Friday	August 31, 1984	Absent
Monday	September 10, 1984	Absent
Tuesday	September 11, 1984	Absent
Wednesday	September 12, 1984	Absent 10:20 a.m. notification
Thursday	September 13, 1984	Absent
Friday	September 14, 1984	Absent Afternoon call to notify the Carrier of his intention to return to work the following week

On September 18, 1984, the Claimant submitted a doctor's statement that he was under the care of the doctor for the period of September 10, 1984 through September 17, 1984.

An employee can be expected to exercise reasonable diligence in contacting the Carrier to report his/her absences from scheduled work. Such diligence is especially appropriate for the Claimant, given his lengthy past record of warnings and discipline for absenteeism. During the time period at issue here, the Claimant's effort to notify the Carrier of his absences were inadequate. Moreover, two of the three instances of notification were not timely.

The Claimant was afforded a fair and impartial investigation and hearing.

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

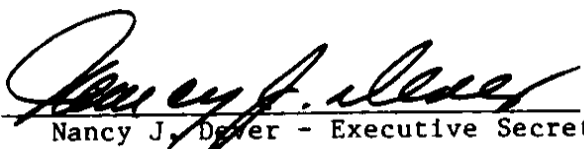
That the Agreement was not violated.

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 23rd day of November 1987.