

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26705
Docket Number MW-27314

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 ten (10) days of suspension imposed upon Track Patrolman R. B. Keefer for failing to protect his job assignments on January 2 and 3, 1985 was unwarranted and without just and sufficient cause (Carrier's File 8365-1-187).

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

OPINION OF BOARD: On Wednesday and Thursday, January 2 and 3, 1985, the Claimant did not report for his scheduled work assignment, nor did he notify the Carrier in a timely manner that he would be absent. Given the Claimant's lengthy past record of warnings and discipline for absenteeism, the Claimant did not exercise sufficient diligence in meeting his obligation to contact the Carrier to report his absences. The Claimant did not produce any documentation or present convincing reasons why he could not have given proper notification.

The Claimant was afforded a fair and impartial investigation.

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.

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Page 2

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By Order of Third Division

Attest: 
Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of November 1987.