

The Third Division consisted of the regular members and in addition Refere Peter R. Meyers when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(
(Consolidated Rail Corporation

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

(1) The five (5) days of suspension imposed upon Painter J. L. Griggs for 'failure to report for duty on December 28, 1983' was unwarranted and without just and sufficient cause and in violation of the Agreement (System Docket CR-787-D).

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

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employees involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Claimant is employed as a repairman by the Carrier at its Canton M.W. Repair Shop in Canton, Ohio. On December 28, 1983, Claimant was absent from service. Claimant subsequently was notified to attend a Hearing in connection with the charge:

"Failure to report for duty on December 28, 1983, at Canton M of W Shop, Canton, Ohio, which in light of your previous attendance record (Absent April 11, 1983, April 28, 1983, May 10, 1983, May 11, 1983, May 16, 1983, May 26, 1983, June 2, 1983, June 3, 1983, July 22, 1983, August 1, 1983, October 7, 1983, October 27, 1983, November 29, 1983, December 8, 1983, December 29, 1983; Late Start September 7, 1983, September 16, 1983; and Early Quit June 1, 1983) constitutes excessive absenteeism."

The Hearing was held on February 8, 1984. On February 15, 1984, Claimant was notified that he had been assessed a five-day suspension for the charged offense. The Organization thereafter filed a Claim on Claimant's behalf, challenging the suspension.

This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence in the record to support the Carrier's finding that the Claimant was guilty of the offense of excessive absenteeism. There is no question that the Claimant was absent from work on numerous occasions between April 11, 1983, and December 29, 1983, and the Carrier certainly has a right to expect a better attendance record for its employees. The Carrier also has a right to reasonably define "excessive absenteeism," and Claimant's absenteeism record was clearly excessive. Hence, the Carrier had a right to find him guilty of the offense.

Once this Board has determined that there is sufficient evidence to support the guilty finding, we next turn our attention to the type of discipline imposed. In this case, the Claimant received a five-day suspension. He has previously received a written warning and a thirty-day suspension for the same offense. Hence, we do not find that the Carrier's action in issuing the Claimant a five-day suspension was unreasonable, arbitrary, or capricious. Therefore, the Claim is denied.

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 15th day of January 1988.