

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 27018
Docket No. MW-26583
88-3-85-3-333

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

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

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

(1) The ten (10) days of suspension imposed upon Casual Driver W. J. Schoolfield for alleged 'unauthorized absence ... on March 29 and March 30, 1984' was excessive and without just and sufficient cause (System Docket CR-884-D).

(2) The claimant's record shall be cleared of the charges 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 employes 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 casual driver by the Carrier. On April 3, 1984, Claimant was notified to attend an investigation of the charge:

"Unauthorized absence from your position as
Casual Driver on March 29th and 30th, 1984."

After a postponement, the hearing took place on April 25, 1984; as a result of the hearing, Claimant was assessed a ten-day suspension. The Organization thereafter filed a claim on Claimant's behalf, challenging the suspension.

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This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence to support the finding that the Claimant was guilty of unauthorized absence on the dates in question.

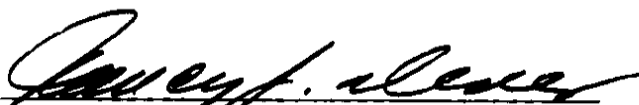
Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. This Board will not set aside a Carrier's imposition of discipline unless we find it to be unreasonable, arbitrary, or capricious. In this case, the Claimant received a ten-day suspension for the offense. Given the nature of the offense and the previous record of the Claimant, this Board can find no reason to set aside the discipline.

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 25th day of April 1988.