

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 28164
Docket No. CL-28511
89-3-88-3-433

The Third Division consisted of the regular members and in addition Referee Charlotte Gold when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(The Belt Railway Company of Chicago

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-10316) that:

1. Carrier violated the effective agreement when, following an investigation on January 14, 1987, it dismissed Mr. John Pufpaf from service effective that date;

2. Carrier shall now restore Mr. Pufpaf to service with his seniority and all other rights unimpaired, shall compensate him for all time lost as a result of this dismissal from service and shall clear his record of the charge placed against him."

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 were given due notice of hearing thereon.

This case represents the final discipline in a series assessed Claimant for his allegedly marking off sick under false pretenses. (See Third Division Awards 28161, 28162, 28163.) An Investigation was held in absentia on December 30, 1987, and Claimant was subsequently dismissed from Carrier's service. The dates of Claimant's absences in this instance were October 29, 30, 31, 1987, and November 5, 6, 7, 12, 14, 19, and 20, 1987. Claimant called in sick ten times and worked six days during this period. Each of his absences occurred when Claimant was to work on the 6 AM shift.

Once again, Carrier found the medical documentation presented by Claimant to be insufficient, with no statement by a proper medical representative indicating that he was unable to work.

All of the major arguments in Claimant's defense were addressed fully in the prior Awards cited above. We found Carrier to have had sufficient cause to have arrived at the decision it did in those instances, as we do here. We also find that Claimant received proper notice of his hearing on December 30, 1987.


Carrier has complied with basic tenets of progressive discipline in an effort to have Claimant modify his behavior, but was clearly unsuccessful. Under the circumstances, Carrier's decision must stand.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Defer - Executive Secretary

Dated at Chicago, Illinois, this 16th day of October 1989.