

The Third Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union  
(Alton and Southern Railway Company)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-10420) that:

1. Carrier violated the Agreement when it issued discipline of actual dismissal to Ms. Betty Klock, East St. Louis, IL on the date of March 3, 1989, following investigation held on March 2, 1989.

2. Carrier's action was harsh, excessive, unwarranted and an abuse of discretion and in violation of Rule 10 of the Agreement.

3. Carrier shall be required to reinstate Ms. Betty Klock to service with pay for all time lost, seniority, vacation, health and welfare and all other rights unimpaired effective March 3, 1989 and continuing five (5) days per week until corrected."

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.

On February 27, 1989, the Claimant was advised of a Hearing concerning an allegation that she failed to protect her assignment on February 23, 1989. She was also specifically advised that her personal and work record would be reviewed during the Investigation.

Subsequent to the Investigation, the Claimant was dismissed from service.

At the Investigation, the Claimant conceded that she failed to report for duty, but stated that she was prevented from doing so because she was in jail at the time. She stated that she was only allowed one telephone call and she used that to attempt to obtain a release from confinement. She conceded, however, that she did not request the person she contacted to notify the Carrier of her situation or inability to report to work.


The Claimant was put on notice that her prior record would be reviewed at the Investigation. That record shows a rather unenviable record of attendance. The record also shows that the Claimant was specifically warned that her behavior regarding attendance at work had placed her in jeopardy.

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 28th day of February 1991.