

PUBLIC LAW BOARD NO. 1368

PARTIES) THE COLORADO AND WYOMING RAILWAY COMPANY
 TO)
 DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM: Claim of Mr. E. Castro for 120 hours at pro rata rate of pay and 35 hours at punitive rate of pay when company laid off Mr. E. Castro from January 1 through January 19, 1973.

FINDINGS: This Public Law Board No. 1368 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the Organization contends that the Carrier violated the Agreement when they suspended the claimant for twenty days. The Carrier charged the claimant with absenting himself from work without permission and assessed twenty days suspension for this alleged violation.

The Organization contends that on Friday, September 29, 1972 the claimant was feeling ill and mentioned this fact to his foreman. The claimant had his wife call his general foreman and advise him that the claimant would be off work for an indefinite period of time because of illness.

The Carrier testified that the claimant's wife said he would need to be off one week. The claimant states that he attempted to call the Carrier two or three times between then and December 4 when he returned for duty. The Carrier was not notified that the claimant was ill after the first week in October.

It is admitted that when an employee is ill that he must notify the Carrier that he is unable to work because of illness. The claimant failed to do this from October 9 until December 4. The Carrier did place into the investigation the record of claimant's service with the Carrier, including his record of absenteeism.

It is the opinion of the Board that the above information should not be placed in the transcript of record but is only for the consideration of the officer who reaches the decision as to the amount of discipline to be assessed. There is no evidence that the officer herein did take such matter into consideration, and it is apparent on its face that the claimant was guilty.

RECORDED

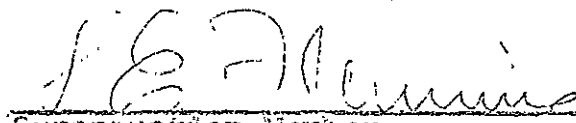
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The discipline assessed is reasonable, and the Board finds no 7
reason or cause to overrule the decision of the Carrier

ATTEND: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member

Amarillo, Texas
July 15, 1975