

PUBLIC LAW BOARD NO. 1838

Award No. 57

Docket MW-PO-79-48

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute Norfolk and Western Railway Company

Statement of Claim This Claim is filed on behalf of J. L. Webb for reinstatement to service after being dismissed account being absent without permission.

Findings The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated March 1, 1976, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant was dismissed from service because of his absenteeism. Carrier concluded at the requested investigation held that it supported its original conclusion that Claimant was culpable thereof.

The Board concludes that there can be no question as to Claimant being consistently absent. Claimant was employed in April 1979. He was issued his first letter warning for absenteeism on June 14th. On June 19th Claimant was assessed a 30 day deferred suspension for unauthorized absenteeism. In spite of repeated warnings and these disciplinary assessments Claimant's absenteeism

continued unabated.


He worked only four (4) days out of ten (10) in October 1979 and nine ((9) days out of sixteen (16) working days in November 1979. Consequently, Claimant was dismissed from service effective November 23, 1979. The Board finds that Carrier need not be burdened with a part-time employee nor with an employee who demonstrates that he does not desire to work for them. As noted in Award No. 374 of Public Law Board No. 717 (Criswell):


"This Claimant appears to be one of many who seeks work with the Railroad and soon thereafter, acts with total disregard for the needs of Carrier's service. If there was no need for the position the Carrier would not have it existing."

We find that in the circumstances the discipline is reasonable.

Award Claim denied.


A. D. Arnett, Employee Member


E. N. Jacobs, Jr., Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Falmouth, Massachusetts July 22, 1981.