

PUBLIC LAW BOARD NO. 1925

Award No. 10

Case No. 10

File No. MW-77-11

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Southern Pacific Transportation Company
-Texas and Louisiana Lines-

Statement of Claim: 1. Carrier violated the effective agreement on September 20, 1976, by dismissing Extra Gang Laborer I. R. Rossett from Carrier's service on the charge that he had been absent from his assignment since May 14, 1976.

2. Claimant Rossett be now reinstated to service and paid for all time lost and with all his seniority, vacation and other rights unimpaired.

Findings: The Board finds, after hearing upon the whole record and all evidence, 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 23, 1977, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant, a Laborer on the San Antonio Division, was dismissed from service September 20, 1976, because of his being absent since May 14, 1976, without proper authority resulting in violations of Rules M-810 and M-811.

The investigation requested and granted caused no change in

discipline imposed by Carrier.

Rules M-810 and M-811 in pertinent part provide:

"M-810 Employee must report for duty at the prescribed time and place,..... They must not absent themselves from their employment without proper authority. Continued failure to protect their employment shall be sufficient cause for dismissal."


"M-811 Employees must not absent themselves from their places,..."

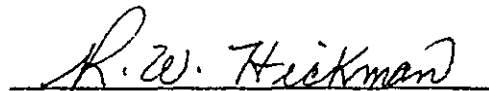
Claimant received due process; sufficient evidence was adduced to support Carrier's conclusion as to Claimant's culpability.


Unauthorized absence from duty is a serious offense and as here, when proven, generally results in a severe penalty including dismissal from service. The record provides no cause to conclude such decision was arbitrary, capricious or unreasonable.

This claim will be denied.

Award: Claim denied.


A. J. Cunningham, Employee Member


R. W. Hickman, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Falmouth, Massachusetts, September 7, 1977.