

PUBLIC LAW BOARD NO. 1925

Award No. 20

Case No. 20
Docket No. 20

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 Agreement when it unfairly, improperly and without just cause dismissed from its services Laborer Cecil Green on December 22, 1976.

2. Claimant, Laborer Cecil Green be reinstated to Carrier's service with pay for all time lost, vacation, seniority, insurance 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 Track Laborer, was dismissed from service by his Division Engineer for his unauthorized absence on December 6, 17, 20 and 21, 1976. Said absence resulted in a violation of Rule 810. The subsequent investigation, which was requested by Claimant, failed to provide any cause for a change in the discipline imposed.

Rule 810, in pertinent part, reads:

"Employees must report for duty on the prescribed time and place, remain at their point of duty, and devote themselves exclusively to their duties during their tour of duty. They must not absent themselves....without authority."

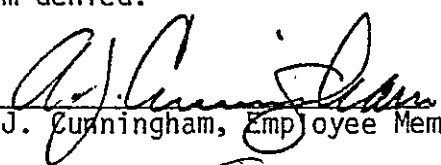

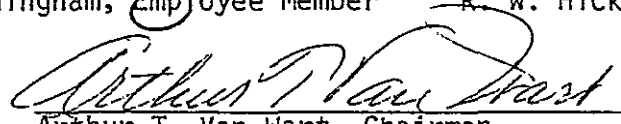
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"Continual failure....to protect their employment shall be cause for dismissal...."

The Board finds that Claimant received due process, that the record provides sufficient evidence to support Carrier's conclusions and the discipline was not unreasonable. This is particularly so when, as here, Claimant was previously dismissed for a violation of said Rule 810. Claimant's failures herein demonstrates that either Claimant had failed to learn in the past nine (9) years of his broken service as to his duty and obligations as an employee, or that he is so indifferent thereto, that it wouldn't really matter. In either event the Board cannot provide the self interest that he lacks and finds that there is no basis herein to interfere with the discipline assessed.

Award:

Claim denied.


A. J. Cunningham, Employee Member
R. W. Hickman, Carrier Member
Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Houston, Texas, May 8, 1978.