

PUBLIC LAW BOARD NO. 1925

Award No. 8

Case No. 8

File No. MW-76-99

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 when Wood Preserving Works employee, Mr. C. J. Alexander was dismissed from Carrier's service on September 20, 1976, on the charge that he absented himself from his place of employment without proper authority or permission prior to 7:00 a.m. on September 17, 1976.

2. Claimant C. J. Alexander shall now be returned to work, with pay for all time lost and with 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 Houston Division in the Wood Preserving Works at Houston, Texas, was dismissed from service September 20, 1976, because of being absent without authority after repeated reminders from his place of employment on September 17, 1976, resulting in a violation of Rules M-810 and M-811.

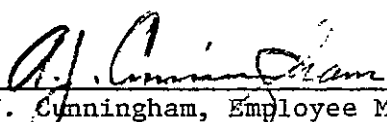
Said Rules in pertinent part provide:

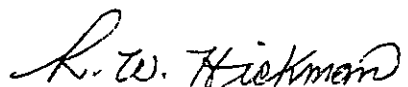
"M-810 Employees must report for duty at the prescribed time and place... They must not absent themselves from their employment without proper authority."

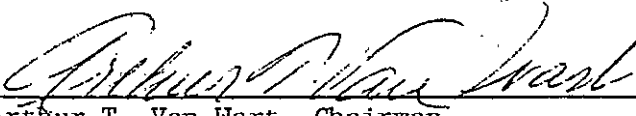
"M-811 Employees must not absent themselves from their places..."

The Board finds Claimant was accorded due process, that there was sufficient credible and probative evidence adduced to show that Claimant was guilty as charged and that there is no reason in this record to cause change in the discipline imposed. Claimant was repeatedly warned and disciplined but to no avail. His record didn't even warrant the compassion shown by his previous reinstatement. Claimant's lack of interest in protecting his job provokes none on the part of the Board.

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.