

PUBLIC LAW BOARD NO. 2182

Award No. 14

Case No. 15

Docket No. MW-78-34

Parties Brotherhood of Maintenance of Way Employes

to and

Dispute Southern Pacific Transportation Company
-Texas and Louisiana Lines-

Statement of Claim 1. Carrier violated the effective Agreement when W. L. Boudry, Lafayette Division Laborer, was unjustly dismissed on January 3, 1978.
2. Claimant W. L. Boudry be reinstated to his former position, with pay for all time lost and with vacation, seniority and all other rights unimpaired.

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 May 22, 1978, 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 employed September 19, 1977. He was absent from his position without authority on December 29, 1977. He was dismissed from service by letter dated January 3, 1978 for having violated Rule 810.3a.

Claimant requested a hearing which was granted and held January 24, 1978. As a result of the evidence adduced thereat Carrier concluded that Claimant was guilty as charged. He was so advised on January 27, 1978 that the decision of dismissal was sustained.

The Board finds that Claimant received a fair hearing.

There was sufficient evidence adduced to support Carrier's conclusion as to his culpability. Claimant admitted that he had received three written warnings as to his absenteeism and the testimony reflected that there had been additional occasions when a Supervisor had spoken to Claimant concerning his unauthorized

absenteeism.

The Board in view of this record, Claimant's limited service and the history of his poor work record, concludes that the discipline assessed was reasonable.

This Claim will be denied.

Award Claim denied.

M. A. Christie

M. A. Christie, Employee Member

R. W. Hickman

R. W. Hickman, Carrier Member

Arthur T. Van Wart

Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Wilmington, Delaware, March 31, 1979.