

Award No. 15

Case No. 16

Docket No. MW-78-35

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 H. R. Morris, Lafayette Division Laborer, was unjustly dismissed on January 3, 1978.  
2. Claimant H. R. Morris 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, received the following letter dated January 3, 1978:

"You are dismissed from the service of Southern Pacific Transportation Company for being absent from your employment as Division Track Laborer without authority on Thursday, December 29, 1977, which is violation of that portion of Rule 810 of General Rules and Regulations of General Notice, of Southern Pacific Transportation Company, which read as follows

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

Claimant requested and was granted the hearing held on January 24, 1978.

As a result of the evidence adduced thereat Carrier concluded that Claimant was proven guilty as charged.

Claimant received due process and was capably represented.

There was sufficient evidence adduced at the investigation, including Claimant's admissions, to support Carrier's conclusion that Claimant was in violation of Rule 810. It is clear that this short time employee was absent without authority on December 29, 1977, that he had been warned and placed on Notice, on November 5, December 7 and December 14, 1977, that laying off without proper authority was in violation of Rule 810. In fact, Claimant received letters to that extent. Claimant admitted that he knew that he was required to call appropriate authorities, and he acknowledged that he had a phone at his residence.

Claimants service record shows that he was employed September 19, 1977. He received ten (10) demerits for his December 5, 1977 violation of Rule 810. Claimant was assessed 40 demerits December 9, 1977, for again violating Rule 810. It appeared that progressive discipline was not effective in correcting Claimant's poor work habits. The Board finds in such circumstance that the discipline assessed Claimant 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.