

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Seaboard System Railroad, formerly L & N

STATEMENT
OF
CLAIM:

1. The dismissal of Charles McCormick, Track Repairman, was without just and sufficient cause.
2. Claimant shall now be restored to service with all rights unimpaired.

FINDINGS:

Claimant, an employee with 4½ years service, was dismissed on September 18, 1983 for being absent without proper authority. He had not protected his assignment on that occasion for nine days after Roadmaster Elliott had denied his request to be off for personal reasons. He had previously been dismissed on two prior occasions. In the first instance, in May 1982, he requested leniency and asked to be enrolled in the Employee Rehabilitation Program since his problem was due to drinking; he was enrolled in a Program and reinstated on a leniency basis in December 1982.

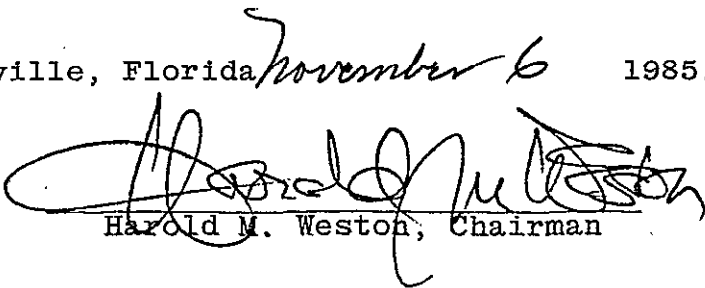
He was again dismissed in August 1983 because of absences without authority and again was reinstated on a leniency basis on September 6, 1983. The following day, however, was the first of the aforementioned nine-day period in which he again failed to protect his assignment.

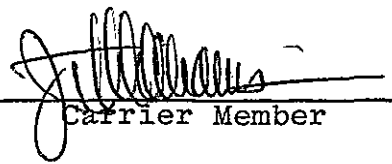
Carrier has been quite patient. Claimant had been counselled regarding his absenteeism and other problems and had also been administered a 14-day suspension for absenteeism in addition to the disciplinary action that we have already mentioned.

No persuasive explanation has been advanced for claimant's failure to protect his assignment. Personal problems do not constitute sufficient grounds for relieving claimant from his obligation to cooperate with his employer in meeting its difficult manpower problems.

AWARD: Claim denied.

Adopted at Jacksonville, Florida *November 6* 1985.


Harold M. Weston, Chairman


Carrier Member


Employee Member