

PUBLIC LAW BOARD 2366

Illinois Central Gulf Railroad	:	
	:	Award No. 105 90
v.	:	Docket No. 105
	:	
Brotherhood of Maintenance of	:	
Way Employees	:	

STATEMENT OF CLAIM

1. The company violated the agreement when it dismissed A. P. Williams on October 5, 1984, for being absent without permission on August 24, 27, 28, 29, 30 and 31, 1984, and in consideration of his past work record.
2. The company should now be required to restore the claimant to service with all seniority and pay him for each work day he has missed since October 5, 1984.

OPINION OF THE BOARD

The Claimant was dismissed from service after a six (6) day period of absence without permission in August of 1984. The Carrier noted a past work record containing at least five (5) suspensions and several letters of warning concerning AWOL, including four (4) suspensions assessed within one and one half years of August of 1984. As a result, the Carrier dismissed the Employee from service.

On the property, the Claimant conceded that he was absent without permission for the six days in question but argued that the penalty of dismissal was too severe. Thus, the Carrier properly asserts that the only issue here is whether or not disciplinary action imposed was excessive.

The Claimant has advised that his sister was ill and that he requested his wife to notify Supervisory Personnel of his pending absence. However, the record shows that the Claimant was aware that the notification was not effective and he is also aware that the responsibility is upon himself and not others.

Although the Board recognizes that the Employee has been in Carrier service for a significant period of time, our review of the record continuously reminds us that this Employee has been warned repeatedly concerning his propensity to be absent without permission. He has certainly been warned on numerous occasions and the Company has

followed the type of progressive disciplinary action one would expect with a long-term Employee. We are unable to find anything in the record which dispells our conclusion that this Employee places personal considerations above his employment status and that he continuously disregards his obligations to report to work on a regular basis. A Board such as this may not exercise leniency and we are unable to conclude that the Carrier was arbitrary or capricious when it determined that it could no longer tolerate the type of conduct.

FINDINGS

The Board, upon consideration of the entire record and all of the evidence finds:

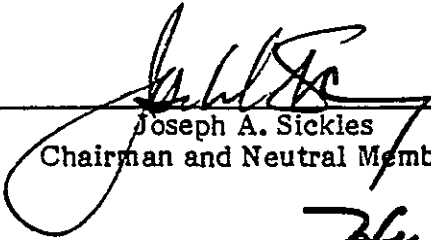
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

This Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due and proper notice of hearing thereon.

AWARD

Claim denied.



Joseph A. Sickles
Chairman and Neutral Member



A. S. Gibbins
Carrier Member



Hugh Harper
Organization Member



Date