

PUBLIC LAW BOARD NO. 2444

Award No. 45

Case No. 58

Docket No. MW 80-157

Parties Brotherhood of Maintenance of Way Employees  
to and  
Dispute Southern Pacific Transportation Company  
(Texas and Louisiana Lines)

Statement Claim of BMW and Laborer Driver C. D. Baker for all pay  
of lost during period of September 5, 1980 through September  
Claim 21, 1980 alleging unjustly suspended on September 5, 1980.

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 July 19, 1979, 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 - Driver was advised September 5, 1980:

"Your absent from your job assignment without proper  
authority on September 4, 1980 which is in violation  
of Rule M810... which reads in part:

'Rule M810. Employees must report for duty at the prescribed  
time and place..They must not absent themselves from their  
employment without proper authority...

You are suspended from September 5 through September 21,  
1980."

Claimant requested and was granted an investigation which was held  
September 24, 1980. The conclusion reached therefrom was that the  
discipline was upheld.

The evidence adduced supported Carrier's conclusions as to Claimant's culpability. Claimant's allegations apparently lacked credibility. We find that Carrier's conclusion were not arbitrarily or capriciously reached.

The incident for which discipline was assessed was Claimant's third violation of Rule M810. Hence, in such circumstances, the discipline assessed is held to be reasonable.

AWARD: Claim denied.



M. A. Christie, Employee Member



C. B. Goynes, Carrier Member



Arthur T. Van Wart, Chairman  
and Neutral Member

Issued at Falmouth, Massachusetts, June 10, 1982