

PUBLIC LAW BOARD NO. 2444

Award No. 86

Case No. 100

Docket No. MW-82-31
-336-97-A

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Southern Pacific Transportation Company
(Texas and Louisiana Lines)

Statement

of Claim: Claim of BMWE and Laborer H. L. White for reinstatement to his former position with pay for all time lost, seniority, vacation and all other rights unimpaired and his record cleared of all charges, alleging unjustly dismissed:

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 employed at Carrier's Wood Preserving Works in Houston, Texas, was advised under date of November 19, 1981, by the Superintendent as follows:

"Please refer to my letter of November 2, 1981 covering your continued violation of Rules 801, 802 and 810, and your failure to protect your job assignment the prescribed time or place on November 19, 1981.

Because of your continued violation of Rules 801, 802 and 810 and specifically your failure to protect your job assignment at the Wood Preserving Works, Houston, Texas at 7 a.m. on November 19, 1981, you are dismissed from the service of the company."


Claimant requested and was granted a hearing which was held on January 7, 1982. As a result thereof, Claimant was advised that the discipline assessed was sustained.


Claimant was accorded the due process to which entitled.

There was sufficient evidence adduced to support Carrier's conclusion as to Claimant's guilt. Claimant offered illness as a defense but failed to present any medical evidence to support. The discipline was reasonable.

The record is clear that Claimant's conduct because he had been dismissed three times for violation of rules, that he had 14 disciplinary violations, that he had been continually warned concerning the failure to protect his job assignment, does not warrant a further analysis of the record. Suffice it to say that Carrier should not be burdened with an employee who has developed a record of this nature. Claimant has clearly demonstrated that he does not care to work for Carrier. This claim will be denied.

Award: Claim denied.


M. A. Christie, Employee Member


C. B. Goyne, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued May 11, 1983.