

PUBLIC LAW BOARD NO. 2452

PARTIES Brotherhood of Maintenance of Way Employees
TO
DISPUTE: and
Western Maryland Railway Co.

STATEMENT Claim of James A. Frye who was dismissed from
OF CLAIM: service as a result of a hearing held on
January 11, 1978, on account of his unauthorized
and unexplained absences from duty on
December 12, 20, 21, 28 and 29, 1977.

FINDINGS: By reason of the Agreement dated June 14, 1979, and
upon the whole record and all the evidence, the Board
finds that the parties herein are employee and carrier within the
meaning of the Railway Labor Act, as amended, and that it has
jurisdiction.

Claimant was properly notified of the hearing before
this Board held on March 11, 1980. He did not appear. He was
properly and adequately represented by the Employees herein.

The record shows that at the investigation hearing
held on January 11, 1978, Claimant admitted that he was absent
from work on December 12, 20, 21, 28 and 29, 1977 without
permission, without prior notice to the Carrier and that he did
not make known his intention to be absent. The record also shows
that the Claimant had a record of excessive absences. He was
given a ten day suspension from June 7 through June 21, 1977 for
being absent without permission and without prior notification.
In 1977 he was absent a total of twenty-nine days without
permission and without notifying the Carrier.

There are no mitigating or extenuating circumstances
to justify a modification of the discharge penalty. And he was
an employee of the Carrier for only two years and three months.

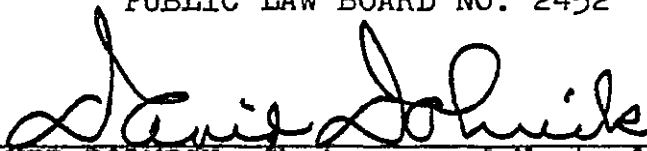
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Upon this record, the Board finds that the Carrier did not violate the Agreement and that the claim has no merit.

AWARD

Claim denied.

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DAVID DOLNICK, Chairman and Neutral Member


W. C. COMISKEY, Carrier Member


WILLIAM E. LA RUE, Employee Member

DATED: April 16, 1980