

PUBLIC LAW BOARD NO. 2960

AWARD NO. 106
CASE NO. 147

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employes

and

Chicago & North Western Transportation Company

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

- (1) The thirty (30) day suspension assessed Assistant Foreman J. O. Stanford for an absence from duty on August 16, 1984 was without just and sufficient cause and excessive. (Organization File 9D-4819; Carrier File 81-84-238-D).
- (2) Claimant J. O. Stanford shall be allowed the remedy prescribed in Rule 19(d).

OPINION OF THE BOARD:

This Board, upon the whole record and all of the evidence, finds and holds that the Employee and Carrier involved in this dispute are respectively Employee and Carrier within the meaning of the Railway Labor Act, as amended, and that the Board has jurisdiction over the dispute involved herein.

On August 17, 1984, the Carrier directed the Claimant to attend an investigation on the following charge:

"To determine your responsibility in connection with your absence from duty on August 16, 1984."

Subsequent to the investigation, the Claimant was assessed the discipline on appeal before the Board.

The Claimant in this case, called the Carrier at 7:25 a.m. and indicated his car broke down on the way to work and it took him a long time to find a phone.


If this were the Claimant's first offense, the discipline might be considered excessive. However, it is not. Nor, is it the first time he relied on car troubles as an excuse. Thus, the Carrier is not acting unreasonably when they take corrective disciplinary steps to impress upon the Claimant the necessity of regular and timely attendance.

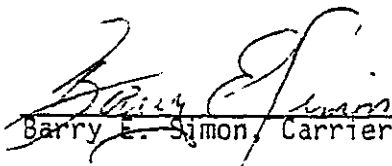
In view of the foregoing, the Claim is denied.

AWARD:

The Claim is denied.


G. Vernon, Chairman


H. G. Harper, Employee Member


Barry E. Simon, Carrier Member

Dated: Jan 14 1986