

Public Law Board No. 3794

Parties to Dispute:

Brotherhood of Maintenance
of Way Employees

and

Seaboard System Railroad

Statement of Claim:

1. The 25 day suspension imposed upon Trackman M.O. Hollingshead for alleged violation of Rule 17(b) was without just and sufficient cause.

2. The Claimant's record shall be cleared of the charge leveled against him and shall be compensated for all wage loss suffered.

Findings:

Claimant failed to report for duty on Monday, May 16, 1983. On the following morning, he reported that he had failed to come in for work on May 16 because of automobile problems; he went on to tell Foreman Lane that due to blisters on his foot, he would not be able to protect his assignment as Trackman until Thursday, May 19, 1983.

Claimant did not appear for work on May 19 and his absences continued through May 25. He did not request permission

to be absent or notify Carrier of his intentions after May 17.

Contrary to Petitioner's contentions, we find that ample proof exists for disciplinary action. The 25 day suspension and warning to protect his work assignment are warranted on the basis of the record.

In determining the measure of discipline, it was appropriate for Carrier to take into consideration the fact that he had previously been cautioned in writing on four separate occasions for unauthorized absence and had just two months before his absence of May 16, been required to serve at 15-day actual suspension because of unauthorized absence in January, 1983.

It is an important responsibility of every employee, particularly in the railroad industry, to cooperate with his employer in meeting manpower and operational timing requirements. At the very least, Claimant should have notified in advance the proper authority that he would be absent and furnished an explanation as to why he could not get to work. Without question, he demonstrated a lack of concern for Carrier's interestss and his own job.

Award: Claim denied.

Adopted at Jacksonville, Florida, *November 6* 1985.


Harold M. Weston, Chairman


Carrier Member


Employee Member