

Public Law Board No. 3794

Parties to Dispute:

Brotherhood of Maintenance of Way
Employees

and

Seaboard System Railroad

Statement of Claim:

Trackman J. Bellman was dismissed without just cause and shall now be reinstated with seniority and all other rights unimpaired and compensated for all wage loss suffered.

Findings:

Claimant, a Trackman with about six years service, was dismissed for unauthorized absences.

The record shows that he was absent on September 13, 1984 without notice or authorization and did not call in to explain the reason for his failure to protect his position. He did not appear for work on the next two workdays, a Friday and a Monday, and again did not give his employer any explanation or notice on these days. On September 18, he finally appeared and, in response to Roadmaster Smith's questions, stated that he had been sick. No evidence of sickness was presented.

Without question, discipline is warranted in this situation. Claimant had an affirmative duty to notify Carrier that he would be absent. No persuasive explanation has been submitted for his failure to call in and explain the situation when absent from work.

On September 29, 1980, October 6, 1981 and July 7, 1983 he had been suspended for respectively five, thirty and again thirty days for being absent without permission. He had, in addition, been issued warning letters for similar rules infractions on six different occasions.

In the light of this record, we find no valid ground for setting aside or reducing the discipline that Carrier has found to be appropriate. Carrier has the clear right to rely on employees for steady and responsible service.

Award:

Claim denied.

Adopted at Jacksonville, Florida *November 6* 1985.


Harold M. Weston, Chairman


Carrier Member


Employee Member