

Public Law Board No. 3794

PARTIES  
TO  
DISPUTE:

Brotherhood of Maintenance of Way Employees  
and  
CSX Transportation, Inc.

STATEMENT  
OF  
CLAIM:

The dismissal of Trackman R. Coleman, Jr. is without just cause and he should be reinstated with all rights unimpaired and compensation for time lost.

FINDINGS:

Claimant, a trackman with 12-1/2 years seniority, was dismissed for unauthorized absences on February 25, 26, 27, and 28, 1985. No attempt was made by him to contact his foreman or a Carrier officer to obtain permission to be absent. No valid explanation for his failure to protect his assignment has been offered.

It is an important obligation of every railroad employee to be available for service on a steady basis. That claimant ignored and failed to comply with that fundamental requirement is entirely clear from the record. Accordingly, substantial disciplinary action is warranted for these unauthorized February 1985 absences.

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In determining the measure of discipline, it was appropriate for Carrier to take claimant's service record into consideration. Unfortunately, that record shows a consistent lack of concern by claimant for his obligation to protect assignments. And this neglect has continued despite progressive discipline over the years. During the last five years of employment, claimant received letters of caution for being absent without permission in June and November 1977, April 1979, and January 1981, as well as a 10-day suspension on May 22, 1981. On September 18, 1981, he was dismissed from service for absence without permission; he was reinstated on a leniency basis without any back pay on September 25, 1984 by the Third Division. Five months later, the absences now in question occurred, again without permission.


On the basis of this record, this Board cannot validly require Carrier to retain claimant in its employ.

AWARD: Claim denied.

Adopted at Jacksonville, Florida, MARCH 17, 1987.

  
Harold M. Weston, Chairman

  
Carrier Member

  
Employee Member

