

Public Law Board No. 3794

PARTIES
TO
DISPUTE:

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

STATEMENT
OF
CLAIM:

Laborer Rufus Oglesby's dismissal must be set aside and he reinstated with seniority and all other rights unimpaired and compensation for all wage loss suffered.

FINDINGS:

Claimant, a laborer with eight years service, was dismissed for absence from work on June 27 and 28, 1985 without authorization. In determining the measure of discipline, Carrier took into consideration claimant's prior record.

Claimant's assignment in June 1985 called for four 10-hour days, Monday through Thursday, with a 4:30 p.m. starting time.

June 27, 1985 fell on a Thursday and Carrier was notified at 3:30 p.m. that day by claimant's sister's telephone call that he would not be able to protect his assignment that day due to an accident in the family. He did not call subsequently to explain the situation. The following day, also included in the charges against him, was not normally a work day for his assignment, but his shift did perform overtime service that day.

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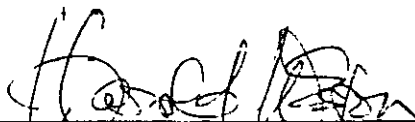
These absences certainly do not provide a basis for more than a 20-day suspension.

His previous record is not impressive. It shows that he was suspended for 15 days for leaving work early^{and} not complying with instructions on May 15, 1982 and for 20 days for absence without permission on December 15 and 16, 1983. It also shows that he was issued two Letters of Caution for absence and lateness in 1981 and 1982 as well as two Letters of Caution for rule violations.

One of an employee's most important obligations, particularly in railroad service, is to protect his assignment in a timely manner. In our view, claimant should be afforded another opportunity to show that he can be counted on to provide reliable service. He must, however, improve his record of attendance and in all respects be a responsible employee.

AWARD: Claimant restored to service with seniority rights unimpaired but without back pay. To be effective within 30 days.

Adopted at Jacksonville, Florida, March 17, 1987.



Harold M. Weston, Chairman



Carrier Member


Employee Member