

PUBLIC LAW BOARD NO. 3845

PARTIES TO THE DISPUTE

Brotherhood of Maintenance of Way Employees ,)	
)	
and)	Case No. 9
)	Award No. 9
Norfolk and Western Railway Company (Lake Region))	
)	

STATEMENT OF CLAIM

"Claim of the System Committee of the Brotherhood that:

(1) The dismissal of Section Laborer M.J. Bowlds for excessive absenteeism was without just and sufficient cause and excessive. [Organization File: MW-MUN-78-27].

(2) Claimant M.J. Bowlds shall be reinstated to service, seniority and all other rights unimpaired and compensated for all wage loss suffered by him".

OPINION OF THE BOARD

Claimant M.J. Bowlds was employed as a Section Laborer at Bluffton, Indiana, having entered service in July, 1977. Since January, 1982, Claimant's work record has been characterized by frequent, lengthy, unexcused and unexplained absences. On October 27, 1982, after notice to Claimant, a formal investigation was held concerning his excessive absenteeism. Claimant

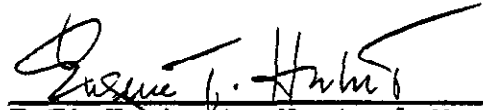
failed to appear at the hearing. By letter dated November 10, 1982, Claimant was advised of his dismissal from service.

The unrefuted evidence of Claimant's guilt is overwhelming. Under those circumstances and in the absence of any explanation whatsoever by Claimant as to the reason for his failure to appear at the hearing, this Board must conclude that the hearing was both fair and impartial and that the Claimant was afforded full due process.

Dismissal as a punishment for unexplained recurrent absenteeism is neither unreasonable nor excessive.

AWARD

Claim denied.


E.T. Herbert, Neutral Member


S.C. Lyons, Carrier Member


H.G. Harper, Employee Member

June 25, 1985