

Award No. 93  
Case No. 96

**PUBLIC LAW BOARD NO. 4244**

**PARTIES ) ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.**  
**TO THE ) AND**  
**DISPUTE ) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES**

**STATEMENT OF CLAIM:** That the Carrier's decision to remove former Illinois District B&B Mechanic C. W. Senf from service, effective October 11, 1991 was unjust.

Accordingly, Carrier should now be required to reinstate the claimant to service with his seniority rights unimpaired and compensate him for all wages lost from October 11, 1991.

**FINDINGS:** This Public Law Board No. 4244 (the "Board") finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended. Further, the Board has jurisdiction over the parties and the subject matter involved.

In this dispute former Illinois District B&B Mechanic C. W. Senf (the "Claimant") was notified to attend a formal investigation on October 11, 1991 concerning his alleged absence without proper authority September 16 - 20, his failure to protect his duties and assignment on these dates, and his failure to comply with the conditions of reinstatement as set forth in Award No. 11 of Public Law Board No. 4021, in possible violation of Rule 1004 of the Carrier's Safety and General Rule for All Employees. Pursuant to the investigation the Carrier determined that the Claimant violated the cited rule and the condition of reinstatement, and he was removed from service.

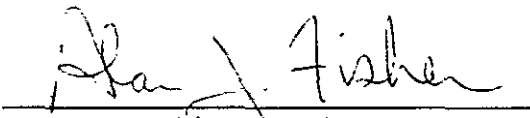
The record shows that the Claimant was absent from work September 16 - 20, 1991. Further, the Claimant contacted the Carrier on September 16, 17, and 20, and informed his supervisor(s) that he would not be to work on these dates because he

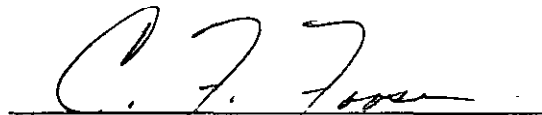
was ill as a result of consuming too much alcohol on the weekend. Although the Claimant alleged that he had been admitted to the Fort Madison Hospital on September 18, the Claimant offered no proof of his admission.


The Board notes that the Carrier did not excuse his absence from work on account of illness. Moreover, there is no dispute that the Claimant violated the terms of his reinstatement set forth in Public Law Board No. 4021, Award No. 11. The Claimant's personal record showed that he had returned to alcohol rehabilitation centers for extensive treatment on four separate occasions since his reinstatement.

Based on a review of the evidence of record and the Claimant's past work record it is the Board's decision that the Claimant's removal from service was proper. The Claimant's repeated absenteeism and his periodic attempts at rehabilitation demonstrated his lack of commitment to fulfill his responsibility to the Carrier under the terms of his reinstatement. Accordingly, the Board finds that the Carrier can take measures to deter excessive absenteeism. As set forth in numerous arbitration awards, a carrier cannot be expected to keep employees in its service where such employees are undependable and there is no expectation of reasonably regular attendance.

**AWARD:** Claim denied.

  
Alan J. Fisher  
Chairman and Neutral Member

  
C. F. Foote  
Organization Member

  
Lyle L. Pope  
Carrier Member

Dated: May 4, 1992  
Schaumburg, Illinois