

PUBLIC LAW BOARD No. 4331: CASE No. 6
Award No. 6

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

v.

ILLINOIS CENTRAL GULF

STATEMENT OF CLAIM

James Lockett was improperly removed from service under Rule 38.
Claim for reinstatement and pay for time lost.

FINDINGS

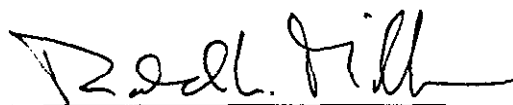
Rule 38 states:

"An employee who is absent from his assigned position without permission for seven (7) consecutive work days, will be considered as having abandoned his position and resigned from the service."

Based upon Mr. Lockett's past personal record, it is clear that Mr. Lockett knew he had to obtain permission from his supervisor or foreman to be absent from his assigned position. A telephone call by a neighbor to an administrative clerk of the Carrier is not adequate notification. Mr. Lockett did not make a personal attempt to obtain absence approval from his supervisor or foreman. Mr. Lockett received no permission to be absent from his position. There is no evidence that Mr. Lockett was so ill from September 26 through October 8 that he could not have called in to obtain permission to be absent.

AWARD

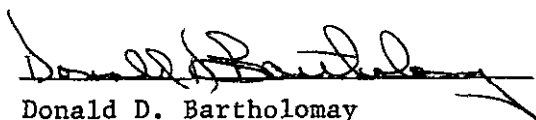
Claim denied.



Ronald L. Miller
Chairman and Neutral Member



J. S. Gibbins
Carrier Member



Donald D. Bartholomay
Organization Member

28 September 1987

DATE