

BEFORE PUBLIC LAW BOARD NO. 4633

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES  
and  
INDIANA HARBOR BELT RAILROAD COMPANY

Case No. 8

Dispute: Claim of the Brotherhood:

The dismissal of Track Laborer Littleton Jackson, Jr. on August 13, 1987, as the result of the investigation of August 11, 1987, be stricken from his record and that he be reinstated to service and compensated for all monetary losses.

Findings:

Claimant L. Jackson, Jr. was employed as a trackman by the Carrier. On July 13, 1987, Claimant was directed to attend an investigation:

to determine the facts and your responsibility, if any, in connection with excessive absenteeism which is indicated by your failure to perform service on 33 days or 100% of the time during the period of May 26, 1987, through July 11, 1987.

The investigation took place on August 11, 1987, and as a result, Claimant was dismissed from service. The Organization thereafter filed a claim on Claimant's behalf, challenging his dismissal.

This Board has reviewed the evidence and testimony in this case and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of the Rule T violation for being absent from work for 33 days during the period May 26, 1987, through July 11, 1987. That absenteeism record was atrocious and the Carrier was well within its right to impose discipline.

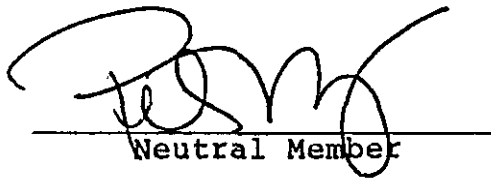
Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. This Board will not set

aside a carrier's imposition of discipline unless we find its action to have been unreasonable, arbitrary or capricious.

The record in this case reveals that the Claimant was previously issued a 10 day deferred suspension in an effort to motivate him to improve his attendance. However, that discipline did not have any effect and he continued to neglect his obligation as an employee with respect to reporting on time and completing his tour of duty. Therefore, this Board cannot find that the action taken by the Carrier was unreasonable, arbitrary or capricious.

AWARD

Claim denied.

  
Neutral Member

  
Carrier Member

  
Organization Member

Date: 7-27-80