

PUBLIC LAW BOARD NO. 4950

NEW JERSEY TRANSIT RAIL OPERATIONS, INC. :
"Carrier" : Case No. 28
vs. :
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES : Award No. 16
"Organization" :

STATEMENT OF CASES

K. W. Oakes - Dismissed from all service.

OPINION OF THE BOARD

Claimant was allegedly absent on November 11, 1988 and again on November 15, 1988. As a result, Carrier dismissed Claimant from service.

Carrier contends that Claimant is guilty as charged and deserving of the assessed discipline. The Organization maintains that the penalty of discharge was unjustified under the circumstances, as Claimant's absences were caused by family problems, and that Carrier should have offered Claimant an opportunity to participate in EAP counseling.

The Board has determined that the claim must be denied.

The record clearly establishes that Claimant failed to cover his assignment on November 11 and 15, 1988. Moreover, he did not request permission to be absent from the position, did not receive permission to be absent, and did not substantiate the

reasons for his absenteeism upon returning to work. Although Claimant may have had family problems, his justification for not notifying Carrier of his absence, that he forgot to do so, is unacceptable. In light of these offenses, and Claimant's overall poor attendance and work record, which included previous warnings and discipline for absenteeism, the Board concludes that Carrier acted within its prerogative in dismissing Claimant from service. Accordingly, the claim must be denied.

AWARD

Claim denied.

W. B. Murphy
W. B. Murphy
Carrier Member

W. E. LaRue
W. E. LaRue
Organization Member

S. E. Buchheit
S. E. Buchheit
Neutral Member