

PUBLIC LAW BOARD NO. 4950

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NEW JERSEY TRANSIT RAIL OPERATIONS, INC. :  
"Carrier" : Case No. 32  
: Case No. 33  
vs. : Case No. 34  
: :  
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES : Award No. 4  
"Organization" : Award No. 5  
: Award No. 6  
: :  
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STATEMENT OF CASES

R. Coppinger -  
Ten (10) days deferred six (6) months, effective  
12/1/88.  
Twenty (20) days suspension deferred nine (9) months.  
Thirty (30) days suspension deferred one (1) year.

OPINION OF THE BOARD

In each of the above-listed cases, Claimant was issued the stated discipline for alleged violation of excessive absenteeism and being absent without permission. In each case, the Organization raises a number of defenses on behalf of Claimant.

The Board has determined that all three claims must be denied. In each case, Carrier has established that Claimant was absent on the days in question. Given the progressive nature of the discipline assessed against Claimant, it cannot be held that Carrier acted improperly.

AWARD

Claims 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