

PUBLIC LAW BOARD NO. 4950

NEW JERSEY TRANSIT RAIL OPERATIONS, INC. :
"Carrier" : Case No. 17
: :
vs. : :
: :
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES : Award No. 9
"Organization" :
: :

STATEMENT OF CASES

O. J. Morgan - Fifteen (15) days suspension deferred
nine (9) months.

OPINION OF THE BOARD

Claimant was charged with being absent without permission and excessive absenteeism. More specifically, Carrier alleged that on September 22 and 30, 1988, Claimant failed to cover his assignment after having been sent first and second warning notices for excessive absenteeism.

Carrier maintains that Claimant is guilty of the offense as charged and deserving of the discipline assessed. The Organization raises several defenses on behalf of Claimant, including that he was given permission to take off the days in question, and that the discipline assessed was therefore unjustified.


The Board has determined that the claim must be denied.

The record evidence establishes that Claimant was not given permission to be absent from his position on September 22 and 30.

Moreover, Claimant's entire record, which includes numerous warnings for absenteeism and discipline assessed as a result thereof, now justifies the penalty assessed by Carrier. Accordingly, the claim must be denied.

AWARD


Claim denied.



W. B. Murphy
Carrier Member



W. E. LaRue
Organization Member



S. E. Buchheit
Neutral Member