

Org. File: D-WAGNER  
Carrier File: 1-00429

Case No. 8  
Award No. 8

PUBLIC BOARD NO. 5721

**PARTIES**

Soo Line Railroad Company

**TO**

and

**DISPUTE:**

Brotherhood of Locomotive Engineers

**STATEMENT OF CLAIM:** "Request on behalf of Milwaukee District Engineer J. E. Wagner for all time lost and that his record be cleansed of any reference in connection with his thirty (30) day actual suspension for alleged excessive absenteeism."

**STATEMENT OF FACTS:** On December 13, 1994, the Carrier sent the following notice to the Claimant:

"Formal investigation/hearing will be conducted at 10:00 a.m., Tuesday, December 20, 1994, in the office of the Asst. Division Manager-Transportation, Bensenville, Illinois, for the purpose of establishing cause and determining responsibility, if any, in connection with your alleged excessive absenteeism from the period of September 28, 1994, to the present time while employed as an Engineer for the Soo Line Railroad Company.

"You are entitled to have a representative of your choice present at this investigation/hearing as is provided for in your schedule rules.

"The facts and circumstances developed in the hearing may be used to determine the locomotive engineer's certification status.

"If there are any other witnesses that you wish to have appear, other than those listed below, arrange for their presence at the appointed time and place.

"Please arrange to be present on the date and at the time specified."

**FINDINGS:** This Board, upon the whole record and all of the evidence, finds that the Employees and Carrier involved in this dispute are respectively Employees and Carrier within the meaning of the Railway Labor Act as amended and that the Board has jurisdiction over the dispute involved herein.

**OPINION OF THE BOARD:** The Claimant, who is also the Local Chairman, defends much of his absenteeism on the basis that Union business necessitated his absences. The Board fully recognizes this well-established and very important right. Indeed, nothing in this award should be interpreted as diminishing the right of a local chairman to layoff his assignment when the legitimate demands of his Union office require it. Surely this right should be liberally interpreted.

Nonetheless, it is clear under the facts and circumstances of this unique case that the Claimant has abused the privilege. The extent of his absences, along with the fact he flatly refused to elaborate on the necessity to be gone, convinces us of that.

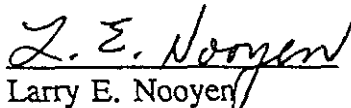
Accordingly and without setting a precedent, the discipline was justified.


**AWARD**

The claim is denied.



Gil Vernon, Chairman and  
Neutral Member

  
Larry E. Nooyen  
Carrier Member

  
Jim McCoy  
Organization Member

Dated this 15<sup>th</sup> day of October, 1997.