

PUBLIC LAW BOARD NO. 1760

Award No. 3

Case No. 3

File No. MW-MPR-75-3

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Norfolk and Western Railway Company  
(Former Wabash Railroad)

Statement of Claim: 1. The Carrier violated the provisions of the effective Agreement in the hearing held on August 29, 1975, at Fort Wayne on B. A. Smith, Machine Operator on T-6 tie gang as provided in Rule 20.

2. Claimant B. A. Smith be paid hour for hour for all time lost, at his respective rate, because of the violation of our Agreement, dated December 1, 1963.

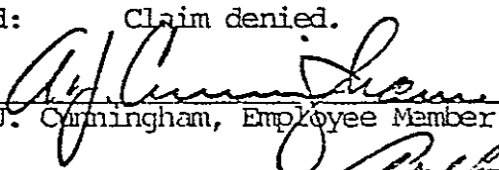
Findings: The Board finds, after hearing upon the whole record and all evidence, that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated February 2, 1976, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearings held.


Claimant Machine Operator failed to report for work on August 14 and 15, 1975. Claimant was given a five day actual suspension as discipline for his unauthorized absence therefore. He requested an investigation which was given and it upheld the discipline originally imposed.

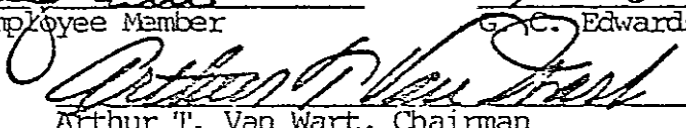
The Board finds that Claimant was accorded due process and was capably represented. The transcript of investigation provided sufficient evidence to support Carrier's determination that Claimant was derelict in complying with his obligation to protect his position, or in the alternative if unable to do so to have advised Carrier.

In the circumstances, we find that the discipline imposed was reasonable. Consequently, we shall deny this claim.

Award: Claim denied.

  
A. J. Cunningham, Employee Member

  
G. C. Edwards, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member