

PUBLIC LAW BOARD NO. 1760

Award No. 93

Case No. 93
File MW-DEC-86-49

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute Norfolk and Western Railway Company

Statement

of Claim: Claim on behalf of M. T. Pollard requesting that he be reinstated and paid for time lost as a result for being absent without permission and excessive absenteeism.

Findings: The Board has jurisdiction of this case by reason of the parties Agreement establishing this Board.

Claimant Laborer was regularly assigned to the R-3 Rail Gang from May 7, 1986 to November 13, 1986. During that period he missed work on his gang on the following dates May 7, 19, June 4, 9, 25 (he was shown as sick), July 1, 2, 10, 24, 28 (reflected car trouble), August 4, 12 (he was late), August 21 missed 5 1/2 hours, August 25 worked 8 1/2 hours, September 15, 16 (shown as sick), September 17, 18, 29 (shown as car trouble), September 30, October 6, 21 (worked four hours and left sick), October 22, 23, 27, November 10 and 11.


The above absences account for 21% of the available work hours during his work period. He had been counseled and warned on several occasions that further absences would not be tolerated. As a result of his absence without permission on October 22, 23 and 27 and excessive absenteeism May 7 the Claimant was notified to attend a formal investigation to determine his responsibility for being absent 22 out of a possible 136 days. As a result of that investigation, Carrier concluded therefrom that Claimant was guilty. He was dismissed from service as discipline therefor.

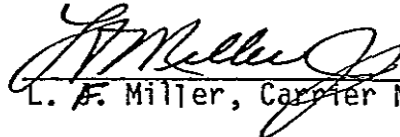
Claimant admitted to being absent without permission on the days cited above. Consequently, there was sufficient evidence adduced to support Carrier's conclusion, including the Claimant's admissions, that he had been absent excessively. Calling in on four of 22 days of absence does not constitute a compliance with Rule 24. In any event the Claimant was being cited for absenteeism and not whether he had notified the Carrier of his absence.


Claimant's record indicates an absence of interest in his job. His failure to protect his assignment and/or to give notice thereof impacts on the Carrier's operations,

particularly when he is a member of the System Rail Gang. His failures violates the implicit promise and the obligation contained in the employer and employee relationship. This Board finds no cause to change the discipline herein. This claim will be denied.

Award: Claim denied.


S. A. Hammons, Jr., Employee Member


L. F. Miller, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued August 30, 1989.