

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Norfolk and Western Railway Company

Statement of Claim The Brotherhood requests that Claimant K. D. Goode be restored to service with vacation, seniority and all other rights unimpaired and that he be paid for all time lost as a result of his dismissal.

Findings The Board, after hearing upon the whole record and all evidence, finds 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 March 1, 1976, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant, a Section Laborer, was dismissed from service, effective October 3, 1977, as a result of his habitual unauthorized absence from the service, in violation of Rule 26 of the current M&W Agreement, which provides:

"An employee desiring to be absent from service must obtain permission from his foreman or the proper officer. An employee detained from work on account of sickness or for other unavoidable cause shall notify his foreman or the proper officer as early as possible."

A formal investigation was held in connection thereon October 25, 1977. As a result thereof Carrier concluded Claimant guilty as charged and the dismissal was upheld.

The Board finds that Claimant was properly handled pursuant to Rule 33 - "Discipline and Grievances".


There was sufficient evidence adduced upon which Carrier based its conclusion that Claimant was guilty as charged. It was not denied that Claimant was absent from his assigned position without permission, and without properly notifying his Supervisor of his intended absence, on approximately 32 days out of a possible 102 work days, or approximately 1/3 of the potential work time.

The Board finds that the discipline imposed was not unreasonable. In the circumstances this Claim will be denied.

Award      Claim denied.

  
A. D. Arnett, Employee Member

  
G. C. Edwards, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued at Wilmington, Delaware, November 26, 1979.