

PUBLIC LAW BOARD NO. 2206

AWARD NO. 19

CASE NO. 2

PARTIES TO THE DISPUTE:

Brotherhood of Maintenance of Way Employees

and

Burlington Northern, Inc.

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

- (1) The five (5) day suspension of Section Laborer W. H. Williams Jr. was without just and sufficient cause and wholly disproportionate to the alleged offense. (System File S-P-143C)
- (2) Section Laborer W. H. Williams Jr. be compensated for all time lost and the discipline be stricken from his record."

OPINION OF BOARD:

In January 1976 Claimant was recalled to work as a Section Laborer at Interbay, Washington, under direct supervision of Section Foreman Smithson. During his first eight months of renewed employment, Claimant had frequent attendance problems. As a consequence, he was notified orally and in writing that should he be unable to work he must receive permission to layoff from one of two individuals, Foreman Smithson or Supervisor G. J. Mouat. On the morning of November 18, 1976 Claimant was assigned to start work at 7:00 A.M., but instead he went to Soap Lake to conduct personal business. He did not report to work that day. He did not call either Foreman Smithson or Supervisor Mouat because, according to his testimony, he had to leave for Soap Lake at 5:30 A.M. At that hour the office was not open and he did not have home telephone

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numbers for Smithson or Mouat. Instead, Claimant telephoned Assistant Foreman Mitchell and simply told him that he would be absent that day.

Following notice, hearing and investigation, Claimant was assessed five days actual suspension for absenting himself from work without proper authority. We find no reason in this record to modify that disciplinary action by Carrier. Announcing a discretionary absence as a fait accompli is not the same as obtaining proper authority to be absent. The penalty is not excessive, especially since Claimant received a written reprimand for an identical offense in July 1976.

#### FINDINGS:


Public Law Board No. 2206, upon the whole record and all of the evidence, finds and holds as follows:

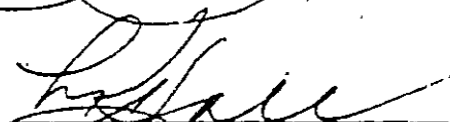
1. that the Carrier and Employee involved in this dispute are, respectively, Carrier and Employee within the meaning of the Railway Labor Act;
2. that the Board has jurisdiction over the dispute involved herein; and
3. that the Agreement was not violated.

#### AWARD

Claim denied.

  
Dana E. Eischen, Chairman

  
F. H. Funk, Employee Member

  
L. K. Hall, Carrier Member

Date: Jun. 8/80