

Award No. //
Case No. 30

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employes
and
Louisville and Nashville Railroad Company

STATEMENT
OF
CLAIM:

1. Dismissal of Trackman T. R. Begley for allegedly being absent without proper leave was without just and sufficient cause, unwarranted and on the basis of unproven charges.
2. Claimant shall be reinstated with seniority rights unimpaired and pay for time lost in accordance with Rule 27(f).

FINDINGS:

We find no valid basis for substituting our judgment for that of Carrier in this matter. The record clearly establishes that claimant was absent from work on September 26, 27 and 30, and left work after being on duty only 2½ hours on October 4. He did not bring a doctor's excuse for these absences although he had been

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instructed by his Foreman to do so. He was formally warned in writing on October 4 that if he continued to be absent without authority, disciplinary action would be taken. Yet on October 7 he did not report for work or notify anyone in authority in that regard. He continued to be absent until October 14 and on that day when he reported for work, he was dismissed for excessive absenteeism.

At the hearing that was held in this matter on October 26, a "disability certificate" signed by a physician and dated October 25, 1977, was presented. It states that claimant was physically unable to perform his duties from October 10 to 14 of that year.

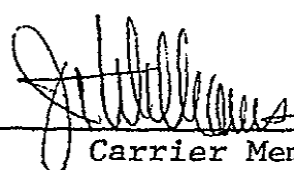
There is no persuasive ground in the light of this record for setting aside Carrier's finding that claimant could not be relied on to perform consistent service. His dismissal for excessive absenteeism will not be interfered with by this Board. No sound reason has been shown for his unsatisfactory attendance ever since September 26.

AWARD: Claim denied.

Adopted at Louisville, Kentucky, *December 10,* 1979.



Harold M. Weston, Chairman



Carrier Member



Employee Member