

Award No. **27**
Case No. 50

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

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

STATEMENT
OF
CLAIM:

"(1) The dismissal of Track Repairman G. L. Stockdale was without just and sufficient cause and on the basis of unproven and disproven charges.

(2) Claimant Stockdale shall be afforded the remedy prescribed in Rule 27(f)."

FINDINGS:

Claimant was dismissed for excessive absenteeism. The record establishes that during the period between August 8 and December 9, 1977, he was absent six days in addition to a continuous period of absence from September 16 until November 22. Claimant had been in Carrier's employ for just about a year when his absences began. When he laid off work on August 8 and 9, 1977, without notice or permission and reported late for work

2363- AWO 27

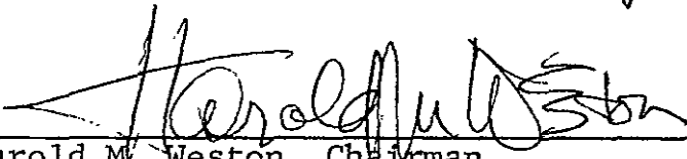
on August 19, he was formally warned by letter of August 19, 1977 that if his absenteeism is not stopped, "You will be relieved from duty."

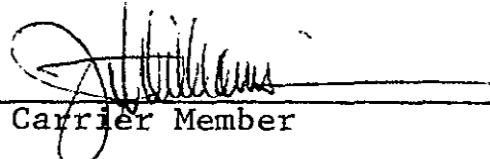
Claimant again laid off on August 31 and September 1. His absence from September 16 to November 22 was, according to claimant, because of an old injury. After his return to work, he was absent on December 5 but with permission. He reported for work late on the following day and was warned at that time regarding his absenteeism by Roadmaster Wiggins. However, claimant was again absent on December 7, this time without prior notification or permission.

We find no persuasive basis for reversing Carrier's decision to dismiss claimant or setting aside its conclusion that, in less than 1½ years service, claimant has shown that he cannot be relied upon to provide steady and conscientious service.

AWARD: Claim denied.

Adopted at Louisville, Kentucky, April 11, 1980.


Harold M. Weston, Chairman


Carrier Member


Employee Member