

Award No. 36  
Case No. 73

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 Assistant Foreman C. W. Bowling for alleged excessive absenteeism was without just and sufficient cause and wholly disproportionate to such a charge (System File 1-5(20) (79)).

(2) Assistant Foreman C. W. Bowling shall be reinstated in his seniority district with seniority and all other rights unimpaired and compensated for all wage loss suffered.

FINDINGS:

Claimant was dismissed for excessive absenteeism and tardiness. He had been employed about 5½ years at the time of his dismissal.

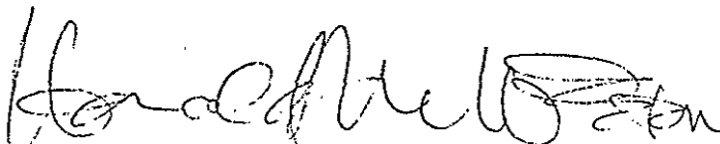
The record shows that during the last six months of his employment, he had been absent or late on a number of Mon-

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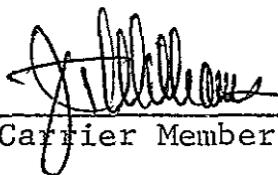
days (immediately after his weekend rest days) and other dates without permission. While a sound basis exists for disciplinary action, such extreme discipline as dismissal does not appear to be appropriate in this setting, particularly in the absence of a stronger record of prior discipline for absenteeism. Claimant will be reinstated without back pay.

AWARD: Claimant to be reinstated with seniority rights unimpaired but without back pay. To be effective within 30 days.

Adopted at Louisville, Kentucky, February 27, 1981.



Harold M. Weston, Chairman



Carrier Member



Employee Member