

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Seaboard System Railroad (L & N RR)

STATEMENT
OF
CLAIM:

1. The dismissal of Track Repairman R. J. Shields was without just cause and wholly disproportionate.
2. Claimant Shields shall be reinstated with all seniority and other rights unimpaired and compensated for all wage loss suffered.

FINDINGS:

Claimant, an employee with five years service, was dismissed on July 3, 1979 for excessive absenteeism.

Foreman De Vault testified that claimant missed about 30 days of work between January 1 and June 1, 1979 and that Asst. Roadmaster Hodge and he warned claimant on at least two occasions during that time to improve his attendance. On approximately 12 to 15 of these occasions, according to Mr. De Vault's testimony, claimant furnished a sick slip from his doctor. It is Mr. Hodge's testimony that claimant was absent 36 days during the first five months of 1979, most of the time without a doctor's certificate. Mr. Hodge's testimony is buttressed by an exhibit showing the

specific 36 dates of absence.

Claimant testified that he had been absent about 30 days, as testified by Foreman De Vault, and that he had furnished doctor's certificates for 20 of those days. He testified that his absences on other days were due to personal business.

The record supports Carrier's findings that claimant had been absent an excessive number of days without adequate explanation. It should be noted, moreover, that massive absenteeism, whatever the cause, is a proper basis for discipline. An employee, particularly in the railroad industry, has an obligation to provide steady service.

The record establishes that claimant had previously been duly warned and disciplined because of excessive absenteeism. He was dismissed for that offense on December 5, 1978 and was restored to service one month later on a leniency basis. His record of attendance subsequent to his reinstatement does not show that he tried to be an employee upon whom Carrier could rely for regular duty.

We find no basis for setting aside Carrier's decision to dismiss claimant.

AWARD:

Claim denied.

Adopted at Jacksonville, Florida, *November 6,* 1984.



Harold M. Weston, Chairman -


Carrier Member
Employee Member