

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

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

STATEMENT
OF
CLAIM:

Dismissal of Trackman V. W. Mason was without just cause and is excessive. He is entitled to reinstatement with seniority and all other rights unimpaired and to back pay.

FINDINGS:

Claimant was absent from work April 26, 27, 28, 29 and 30, 1982. On May 3 he presented his foreman with a doctor's statement stating that he had been treated on April 26 and "should be able to return to work 4/27/82 with medication."

His absences after April 26 support Carrier's conclusion that discipline is warranted in this case. It is an important obligation of every employee to provide steady service. Claimant's excuses for his absences and failure to notify the proper authority are unpersuasive.

In determining the measure of discipline, it was not inappropriate for Carrier to take claimant's prior record into consideration. That record shows that claimant had been given

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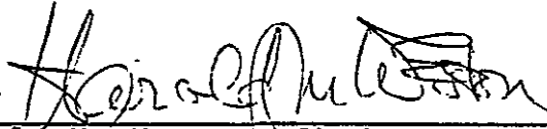
repeated formal warnings and disciplined as the result of his excessive absences in 1977, 1978 and 1981.

In this setting, no valid ground is perceived for reversing Carrier's decision to dismiss claimant.

AWARD:

Claim denied.

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



Harold M. Weston, Chairman



Carrier Member



Employee Member