

PUBLIC LAW BOARD NO. 2366

AWARD NO. 71

CASE NO. 87

**PARTIES TO DISPUTE:**

Illinois Central Gulf Railroad

and

Brotherhood of Maintenance of Way Employees

**STATEMENT OF CLAIM**

1. The dismissal from service of Machine Operator W. L. Lake for alleged unauthorized absence on March 2, 5 and 6, 1984 was without just and sufficient cause. (Organization File MS-26-T-84; Carrier File 1645).
2. Claimant W. L. Lake shall be reinstated with seniority and all other rights unimpaired and compensated for all wage loss suffered."

**OPINION OF THE BOARD**

Claimant was notified of an investigation on a charge of AWOL. Subsequent to the hearing he was dismissed.

Th evidence shows that he failed to report to work on three days and he had not sought permission to be absent.

Claimant does not assert that he had permission to be absent, but he asserts that car trouble caused his absence; he did not have the phone numbers to call Carrier officials; but he did contact a co-worker who agreed to notify the track supervisor and Foreman.

Certainly the Employee cannot avoid his responsibility by reliance upon a co-worker and discipline is warranted.

Carrier justifies dismissal because the Claimant has a prior recording dealing with absences in his thirteen years of service, and it cites numerous Awards dealing with the quantum of punishment to be assessed when an Employee demonstrates a lack of concern for his future employment relationship. Although this Claimant is dangerously close to that point, we feel that a lengthy suspension is warranted.

**FINDINGS**

The Board, upon consideration of the entire record and all of the evidence finds:

The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

This Board has jurisdiction over the dispute involved herein.


The parties to said dispute were given due and proper notice of hearing thereon.

AWARD

1. The termination is set aside.
2. Claimant shall be restored to service with <sup>en</sup>retention of seniority and other benefits but without reimbursement for compensation lost.
3. Carrier shall comply with this Award within thirty (30) days of the effective date.

  
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Joseph A. Sickles  
Chairman and Neutral Member

  
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H. G. Harper  
Organization Member

  
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J. S. Gibbins  
Carrier Member

12-17-84  
Date