

PUBLIC LAW BOARD NO. 2444

Award No. 19

Case No. 29

Docket No. MW 79-67

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute: Southern Pacific Transportation Company
(Texas and Louisiana Lines)

Statement of Claim: 1. Carrier violated the effective Agreement when B&B Carpenter G. G. Edmondson was unjustly dismissed on March 27, 1979.
2. Claimant G. G. Edmondson shall be reinstated to his former position with pay for all time lost and with all seniority, vacation and other rights restored.

Findings: The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated July 19, 1979, that it has jurisdiction of the parties and the subject matter and that the parties were given due notice of the hearing held.

Claimant, a B&B Carpenter on B&B Gang No. 3, was advised by his Division Engineer under date of March 28, 1979, as follows:

"On March 26, 1979 you did not seek or receive authority to be absent from your job prior to your assigned working hours. This is in violation of Rule M810 of the general rules and regulations of the Southern Pacific Transportation Company, as posted by General Notice, effective April 1, 1978 which reads in part as follows:

Rule M810

'Employees must report for duty at the prescribed time and place ...They must not absent themselves from their employment without proper authority ...'

Your call at 12:35 p.m. on March 26, 1979 stating that you had had your car repaired and would return to work the following day does not excuse your absence on March 26, 1979 and does not relieve you of the responsibility of calling your supervisor prior to your assigned working hours.

For your violation of Rule M810, you are dismissed from the service of the Southern Pacific Transportation Company. You are instructed to turn in all company property . . ."

Claimant requested and was granted a hearing by his Division Engineer. It was held on May 15, 1979. As a result thereof Claimant was advised that his dismissal would stand.

The record supports that the Claimant was properly handled in accordance with Article 14 - Discipline and Grievances.

There was sufficient evidence adduced to support the conclusion reached by Carrier. As to the degree of discipline imposed, the record reflects that Claimant had been previously dismissed January 25, 1978 for a similar violation. He was granted reinstatement therefor on a leniency basis March 7, 1978.

In the circumstances present, this claim will be denied.

Award: Claim denied.

M. A. Christie

M. A. Christie, Employee Member

C. B. Goyne

C. B. Goyne, Carrier Member

Arthur T. Van Wart

Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Salem, New Jersey, February 7, 1980.