

PUBLIC LAW BOARD NO. 2444

Award No. 46

Case No. 59

Docket No. MW 80-160

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Southern Pacific Transportation Company
(Texas and Louisiana Lines)

Statement Claim of BMW and Division Laborer E. J. Flores for reinstatement to his former position with pay for all time lost, vacation, seniority, and other rights unimpaired, alleging Claim unjustly dismissed August 8, 1980.

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 was advised, under date of August 8, 1980

"You were absent from your job assignment without proper authority on August 7, 1980, which is in violation of Rule M810 of the General Rules and Regulations of the Southern Pacific Transportation Company.

For your violation of Rule M810 you are dismissed from the service of the Southern Pacific Transportation Company;..."

Claimant requested and was granted a hearing. As a result thereof Carrier sustained its discipline of dismissal.

There was sufficient competent and credible evidence adduced at the investigation to support the conclusions reached by Carrier as to


Claimant's guilt. Claimant admitted that he was absent without authority, that he had not requested authority from his foreman, nor from his district manager to be absent on August 7th. Claimant signed a statement indicating therein that he had been instructed regarding Rules A through M of Rules 801 through M842.

Unauthorized absence from duty is a serious offense and, as here, when proven may result in severe penalty including dismissal from service. Claimant's record indicates that the past discipline assessed served no good purpose. As noted by Neutral John Criswell in Award 374 of PLB 717


"This Claimant is one of many who seeks to work with the railroad and soon thereafter, acts with total disregard for the needs of the Carrier's service. If there was no need for the position, the Carrier would not have it existing..."

In the circumstances the Board finds that the discipline assessed was not unreasonable. This Claim will be denied.

AWARD: Claim denied.


M. A. Christie, Employee Member


C. B. Goyne, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Falmouth, Massachusetts, June 10, 1982.