

PUBLIC LAW BOARD NO. 2452

PARTIES Brotherhood of Maintenance of Way Employees  
TO  
DISPUTE: and  
Western Maryland Railway Co.

STATEMENT Claim of James A. Frye who was dismissed from  
OF CLAIM: service as a result of a hearing held on  
January 11, 1978, on account of his unauthorized  
and unexplained absences from duty on  
December 12, 20, 21, 28 and 29, 1977.

FINDINGS: By reason of the Agreement dated June 14, 1979, and  
upon the whole record and all the evidence, the Board  
finds that the parties herein are employee and carrier within the  
meaning of the Railway Labor Act, as amended, and that it has  
jurisdiction.

Claimant was properly notified of the hearing before  
this Board held on March 11, 1980. He did not appear. He was  
properly and adequately represented by the Employees herein.

The record shows that at the investigation hearing  
held on January 11, 1978, Claimant admitted that he was absent  
from work on December 12, 20, 21, 28 and 29, 1977 without  
permission, without prior notice to the Carrier and that he did  
not make known his intention to be absent. The record also shows  
that the Claimant had a record of excessive absences. He was  
given a ten day suspension from June 7 through June 21, 1977 for  
being absent without permission and without prior notification.  
In 1977 he was absent a total of twenty-nine days without  
permission and without notifying the Carrier.

There are no mitigating or extenuating circumstances  
to justify a modification of the discharge penalty. And he was  
an employee of the Carrier for only two years and three months.

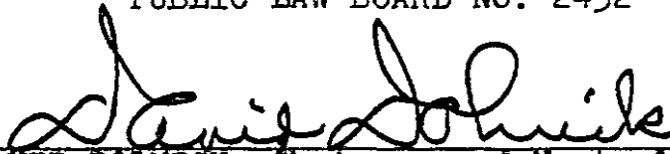
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Upon this record, the Board finds that the Carrier did not violate the Agreement and that the claim has no merit.

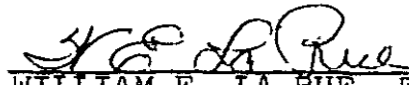
AWARD

Claim denied.

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DAVID DOLNICK, Chairman and Neutral Member

  
W. C. COMISKEY, Carrier Member

  
WILLIAM E. LA RUE, Employee Member

DATED: April 16, 1980