

Award No. 7  
Case No. 22

Public Law Board No. 2630

PARTIES  
TO  
DISPUTE:

Brotherhood of Maintenance of Way Employes  
and  
Baltimore and Ohio Railroad Company

STATEMENT  
OF  
CLAIM:

1. The dismissal of William L. Phifer, Sr. on May 13, 1977 was excessive and harsh.
2. Carrier should restore claimant Phifer to service with seniority and benefits unimpaired and compensate him for all time lost.

FINDINGS:

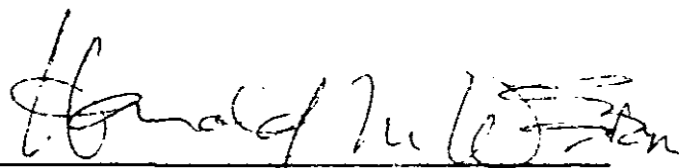
Between January 1 and March 11, 1977, claimant was absent from work 27½ days, including six without permission. His failure to appear at the hearing held in this matter and his previous record of attendance are not helpful to his claim.

It is not inappropriate for Carrier to consider, in assessing the amount of discipline, his absences during 1975 that led to a formal warning and 15-day suspension.

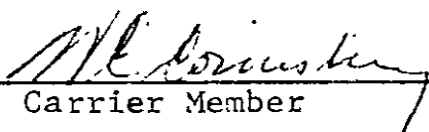
It is of some significance that his attendance record was not unsatisfactory for over a year immediately prior to his 1977 absences. Apparently, he was making a real effort during that time to improve his record. We are of the opinion that he should be given one more chance to show that he can cooperate with Carrier in providing regular service. A lengthy suspension without pay will emphasize the need for sustained improvement on his part.

AWARD: Claimant to be immediately reinstated without back pay. To be effective within 30 days.

Adopted at Baltimore, Maryland, *October 12*, 1980.



Harold M. Weston, Chairman



Carrier Member



Employee Member