

Public Law Board No. 3794

PARTIES  
TO  
DISPUTE:

Brotherhood of Maintenance of Way Employees

and

Seaboard System Railroad

STATEMENT  
OF  
CLAIM:

Appeal from dismissal of Bridgeman G. L. Sandlin for unauthorized absence.

FINDINGS:

Claimant, assigned to a floating gang working four 10-hour days, was granted a vacation during the January 9 through 12, 1984 work week. He failed to report for duty on Monday, January 16, his next scheduled work day. His absence that day was unauthorized and he did not notify any Carrier supervisor that he would be absent. He again was absent without permission or prior notice on the two following days.

By the evening of January 18, 1984, claimant had been served with the charges in this case. He called Mr. Carter, a B&B supervisor, at his home and explained that his absences were caused by truck engine problems and he had notified the operator at Sanford on January 16 of the reason for his absence. As Mr. Carter replied, the operator lacked authority to grant time off to the claimant.

A hearing was held in this matter on due notice.

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Although claimant received the notice of hearing, he did not appear. That fact provides no basis, however, for disciplinary action.

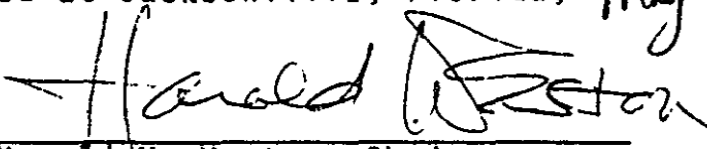
That claimant demonstrated a lack of concern for his job when he failed to show up for work on the three days in question is clearly established by the record. No satisfactory explanation has been offered for his failure to give his supervisors timely notice that he would be absent. The fact that he ignored his responsibilities to notify management and request permission is indicative of a flagrant disregard of Carrier's interests. Every railroad employee has an obligation to cooperate with his employer in meeting manning requirements.

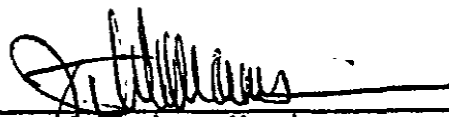
In determining the measure of discipline, Carrier took into consideration, as it was entitled to do, claimant's service record. That record showed that he had received a five-day suspension in December, 1979 for unsafe operations, a ten-day suspension on September 4, 1981 for a like offense, a 20 calendar-day suspension on October 5, 1981 for absence without permission and a 90-day suspension in 1982 for safety rules violations.

We will not substitute our judgment for that of management in this case. The claim will be denied.

AWARD: Claim denied.

Adopted at Jacksonville, Florida, May 30, 1985.

  
Harold M. Weston, Chairman

  
Carrier Member

  
Employee Member