

Award No. 7  
Case No. 12

Public Law Board No. 3794

PARTIES  
TO  
DISPUTE:

Brotherhood of Maintenance of Way Employees  
and  
Seaboard System Railroad

STATEMENT  
OF  
CLAIM:

The dismissal of Trackman F. Jones for alleged violation of Rule 17(b) and (c) on January 11, 1983 was without just and sufficient cause. He shall be reinstated with seniority and all other rights unimpaired and compensated for all wage loss suffered.

FINDINGS:

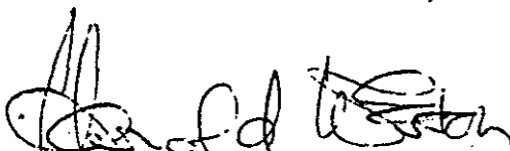
Claimant did not report for work on January 11, 1983. He had no authority to be absent and had not sought permission to be away from work. He did not even communicate with Carrier until the following day when he offered the excuse that he had missed his ride to work on January 11. No evidence was presented to support his assertions that his car had to be towed and repaired or that he had arranged with another person to drive him to work. The record does not show that he was unable to notify Carrier on January 11.

Rule 17 provides that any employee must obtain permission from Carrier for absence or furnish proof of inability to notify Carrier. In determining the measure of discipline in this case, Carrier took into consideration, as it is entitled to do, the fact that claimant had previously been warned in writing regarding his violations of Rule 17 and had been suspended on three additional occasions -- first for 10 days, then for 30 days and again for 30 days -- for violations of the same Rule.

The Rule is reasonable and no basis is found for substituting our judgment for that of Carrier in this case.

AWARD: Claim denied.

Adopted at Jacksonville, Florida, May 30, 1985.

  
Harold M. Weston, Chairman

  
Carrier Member

  
Employee Member