

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES  
and  
INDIANA HARBOR BELT RAILROAD COMPANY

Case No. 4

Dispute: Claim of the Brotherhood:

- (1) The thirty day suspension from service assessed Trackman W. Lee, Jr. for alleged excessive absenteeism for failure to perform service on 4 days out of 21 days or 19% of the time during the period of March 28, 1987, through April 25, 1987, was excessive.
- (2) As a consequence of the violation referenced in Part I hereof the discipline imposed shall be reduced and Claimant shall be compensated for all monetary losses sustained.

Findings:

Claimant W. Lee was employed by Carrier as a trackman. On May 4, 1987, the Claimant was instructed to report for an investigation in connection with charges of excessive absenteeism. The investigation was held on May 4, 1987, the Claimant was assessed a thirty day suspension. The Organization thereafter filed a claim on Claimant's behalf, challenging his suspension.

This Board has reviewed the evidence and testimony in this case and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of excessive absenteeism when he failed to report for work on March 28, 1987, April 11, 18 and 25, 1987. The record is clear that the Carrier's policy and Rule T of the Carrier's rules view that type of absenteeism as excessive.

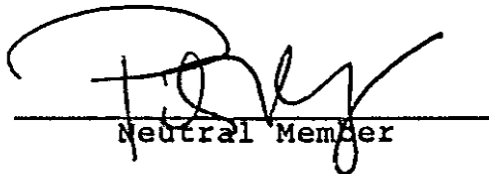
Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. This Board will not set aside a carrier's imposition of discipline unless we find its action

to have been unreasonable, arbitrary or capricious.

In the case at hand the Claimant had received warning letters in February, June, and November of 1986 dealing with excessive absenteeism. Moreover, he received a ten day suspension that was held in abeyance in March of 1987, after he had been absent 23 days out of 83 days. This thirty day suspension will be tacked on to the 10 day deferred suspension. It is an appropriate discipline given the nature of the wrongdoing and the fact that this Claimant has been warned on several occasions that he must improve his attendance. Therefore, the claim will be denied.

AWARD

Claim denied.

  
Neutral Member

  
Carrier Member

  
Organization Member

Date: 7-27-90