

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 4979

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

NATIONAL RAILROAD PASSENGER CORPORATION

AWARD NO. 11

Case No. 11

Carrier File No. BMW-D-131

STATEMENT OF CLAIM

Appeal of discipline of 15 days' suspension
assessed to Claimant Larry Threadgill.

F I N D I N G S

The Claimant entered employment on February 15, 1989. He was given a warning letter of September 12, 1989 in reference to absenteeism and on April 11, 1990 a ten-day disciplinary suspension, also under the charge of absenteeism.

He was subject to an investigative hearing on May 15, 1990 under charge of violation of Rule 0 in reference to his absences on April 2 and 9, 1990 and his early departure by 15 minutes on April 17, 1990.

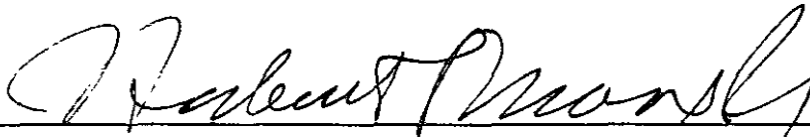
At the hearing, the Claimant asserted that he had advised a Carrier representative as to his prospective absence on

April 2 and 9 owing to necessary appearances in court. There is no indication that permission was granted for such absence. The Claimant was given the opportunity to provide evidence as to his court appearances. The document he submitted appears to confirm only an April 2 court appearance.

Following the hearing, the Claimant was assessed a 15-day deferred suspension. Given the Claimant's previous disciplinary record as to absenteeism, he should have been fully aware of the consequences of further failure to protect his assignment. The resulting penalty was appropriate.

A W A R D

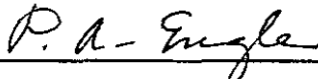
Claim denied.



HERBERT L. MARX, JR., Chairman and Neutral Member



B. A. WINTER, Employee Member



P. A. ENGLE, Carrier Member

NEW YORK, NY

DATED: *May 16, 1991*