

PUBLIC LAW BOARD NO. 5418

Case No. 27 Award No. 27

PARTIES Brotherhood of Maintenance of Way Employees
to - and -
DISPUTE: Springfield Terminal Railway Company

STATEMENT OF CLAIM:

Appeal of the discipline of dismissal
imposed on S. C. Kilgore on November 2, 1998.

FINDINGS: Subsequent to a hearing held on October 23, 1998,
claimant was found guilty of violating General Rule GR N, in that
he was absent from work without permission on September 24, 1998.

The Carrier states it is undisputed that the claimant failed
to cover his assigned position on the date in question and that
he had not sought permission to be excused from work. They point
out that the claimant has a history of excessive absenteeism in
his relatively short tenure with the Carrier as evidenced by his
discipline entries on his service record, all of which involve
absenteeism. Further, they also point to the fact that the
date in question was the day before he was to begin serving
a 30 day suspension for a prior offense dealing with
absenteeism. In summary, they state that the record will show
they have systematically dealt with the claimant as shown by
their application of progressive discipline, which clearly
has had no affect on the claimant as he continuously exhibits
a cavalier attitude towards his assignment and employer.

In his defense, claimant alleges he is a victim of
circumstances, in that while driving to work on the date in
question he was stopped at 6:30 AM by the Police for driving
a non-inspected vehicle. He states he was detained about 20

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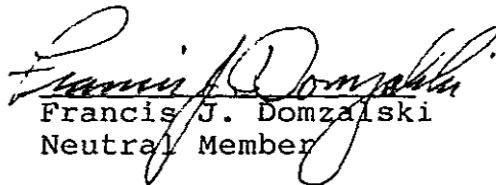
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minutes and rather to continue to go to work he chose to go home and tend to personal business. Claimant alleges he called the Carrier approximately one hour after the start of his tour of duty and said he marked off to an unidentified employee.

This Board is not persuaded by the unsubstantiated reasons given by the claimant at his hearing. Therefore, based on the record before us, the Board concludes, the Carrier satisfied the limited obligation it had to attempt to correct claimant's absenteeism through progressive discipline. Hence, we find that the Carrier did not abuse its discretion in this case.

AWARD: The claim is denied.


Francis J. Domzalski
Neutral Member


T. W. McNulty
Carrier Member


B. A. Winter
Organization Member

Dated: 12-18-98