

Award No. 232

Docket No. 232

Mopac File 247-6857

Parties Brotherhood of Maintenance of Way Employees
to and

Dispute: Missouri Pacific Railroad Company

Statement
of Claim: 1. Carrier violated the effective Agreement when
Trackman Chester Withers was unjustly suspended
August 3, 1984 through September 2, 1984.

2. Claimant Withers shall now be paid for all
time lost beginning August 3, 1984 through September 2, 1984.

Findings: The Board, after hearing upon the whole record
and all evidence, finds that the parties herein are Carrier
and Employee within the meaning of the Railway Labor Act,
as amended, that this Board is duly constituted by Agree-
ment dated January 5, 1959, that it has jurisdiction of
the parties and the subject matter, and that the parties
were given due notice of the hearing held.

Claimant Trackman absented his assignment without proper
authority on May 27, 30, 31, June 2 and 3, 1984. As a con-
sequence thereof he was required to attend a formal investi-
gation regarding his absenteeism. As a result of the investi-
gation held on July 6, 1984 and continued July 31, 1984
Claimant was given a thirty day actual suspension as disci-
pline therefor.

The Board on the basis of the overall record finds
that the discipline was excessive. It is reduced to fifteen

days. The Claimant is to be advised and he is to acknowledge in the presence of his local representative that he has a duty to notify the Carrier's designated person when he can not timely reach or be on his work assignment. Apparently, the Road Master issued written instructions July 2, 1983 requiring that an employee who may be tardy or absent contact the Road Master's office. Claimant is to advise that he now understands his responsibility. Thereafter, he is on his own. Claimant's subsequent actions will dictate his future.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.

M. A. Christie
M. A. Christie, Employee Member

J. J. Shannon
J. J. Shannon, Carrier Member

Arthur T. Van Wart
Arthur T. Van Wart, Chairman
and Neutral Member

Issued August 23, 1986.

