

Award No. 233

Docket No. 233

Mopac File 247-6885

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 A. C. Crosley was unjustly dismissed per notice of November 2, 1984.

2. Claimant Crosley shall now be reinstated with seniority rights, pass privileges, vacation rights unimpaired, as well as his restoration of all other rights and privileges accruing to him, which he would be entitled to if he had not been dismissed from the service of Missouri Pacific Railroad. Also, that he be paid for loss of wages suffered, claim to continue until Mr. Crosley is returned to his job.

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 Agreement 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, as a result of absenting himself from his assignment on October 12, 1984, was required to attend a formal investigation:

"To develop the facts and your responsibility, if any, for failure to protect your assignment as Trackman, Gang 5075, St. Louis Terminal, on Friday, October 12, 1984, therefore being absent

without permission from proper authority on that date. Also a review of your work record since your date of employment."


Carrier concluded from the investigation that Claimant was guilty of the charges. He was dismissed from service as discipline therefor.

Claimant, having admitted guilt, thereby leaves open only the question as to the discipline assessed.

Claimant's record, in light of his short full time employment, supports the conclusion that the discipline imposed was not unreasonable. The Claimant has an obligation and a duty to report on time for his assignment, absent, of course, a bonifide reason to be either absent or tardy therefrom supported by competent evidence given in advance. When, as here, the employee fails to notify his Supervisor that he will be tardy or absent, then such employee merely exacerbates the problem and increases the probability of receiving stronger discipline.

Award: Claim denied.


M. A. Christie, Employee Member


J. J. Shannon, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued August 23, 1986.

