

SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 78
Docket No. 85

PARTIES: Brotherhood of Maintenance of Way Employees
TO :
DISPUTE: Chicago and North Western Transportation Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

- (1) The ten (10) day suspension assessed Trackman D.L. Walker was without just and sufficient cause, excessive and capricious. [Organization File 8D-4934; Carrier File 81-85-20-D]
- (2) Trackman D.L. Walker shall be allowed the remedy as prescribed in Rule 19(d)."

FINDINGS:

This Board, upon the whole record and all the evidence, finds and holds that the employees and the Carrier involved are respectively employees and Carrier within the meaning of the Railway Labor Act as amended and that the Board has jurisdiction over the dispute herein.

On September 25, 1984, Claimant did not report for work due to illness and asked a co-worker to report his absence to his foreman. On the following day, Claimant was directed to appear at a formal investigation of the charge:

To determine your responsibility in connection with absenting yourself without proper authority on September 25, 1984, while you were employed as trackman on the Racine Yard gang at Racine, Wisconsin on the Wisconsin Division.

The investigation was held as scheduled, and a copy of the transcript has been made a part of the record. We find that the investigation was conducted in a fair and impartial manner.

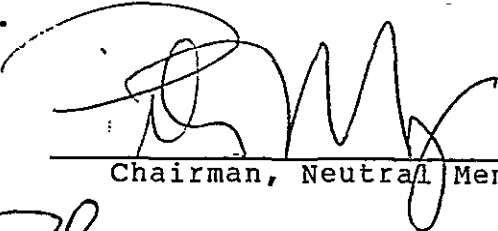
This Board has reviewed all of the evidence and testimony in this case, and we find that Rule 14 is clear that the Claimant was required to obtain proper authority before absenting himself from work on the day in question. The Claimant did not comply with that requirement

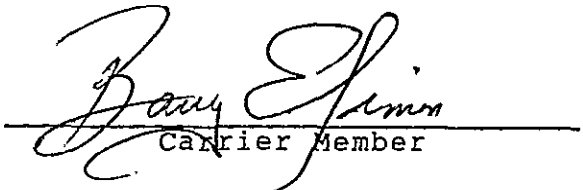
and merely told a co-worker to relate to his foreman that he was not coming to work that day. That is insufficient; and, therefore, by committing that rule violation, Claimant subjected himself to discipline.

The Union argues that the ten-day suspension imposed by the Carrier for the offense was excessive. However, the record contains no evidence to support that contention. We find nothing unreasonable, arbitrary, or capricious about the ten-day suspension for the offense. Therefore, the claim must be denied.

AWARD:

Claim denied.


Chairman, Neutral Member


Carrier Member


Employee Member

Date: February 25, 1987