

Special Board of Adjustment No. 956

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees
and
New Jersey Transit Rail Operations, Inc.

STATEMENT OF CLAIM:

Appeal on behalf of Trackman G. Moyer for restoration to service.

FINDINGS:

This is a companion case of Case No. 35 which involves the same claimant. In that case, claimant was dismissed from Carrier's service for absenteeism between March 6 and 31, 1987. His prior discipline record was taken into consideration by Carrier in terminating his employment.

The present case concerns additional absences without permission, from April 8 through 21, 1987. Carrier terminated claimant's seniority in this case under Rule 27(b) which, in pertinent part, provides:

"Except for sickness or disability, or under circumstances beyond his control, an employee who is absent in excess of fourteen (14) consecutive days without receiving permission from his supervisor will forfeit all seniority under this Agreement."

Claimant was absent in excess of fourteen days and there is insufficient evidence that the absences were due to sickness or

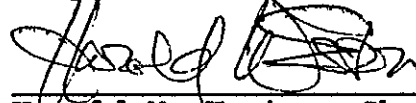
disability.

While a doctor's note was presented, stating that he was unable to work on the April dates specified because of "Acute Influenza," that note is undated and insufficiently detailed as to medical facts and was not received until seventeen days after claimant was notified of his loss of seniority. No justification has been presented for claimant's failure to seek permission or a leave or to notify Carrier in timely fashion of the reason for his absence.

We find no ground for interfering with Carrier's conclusion that claimant could not be relied upon for the steady service that an Employer is entitled to have in this demanding industry.

AWARD: Claim denied.

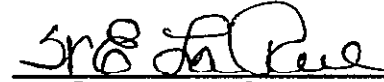
Adopted at Newark, New Jersey, June 23 , 1988.



Harold M. Weston, Chairman



Carrier Member



Employee Member