

BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 153

PARTIES: Brotherhood of Maintenance of Way Employees
TO :
DISPUTE: National Railroad Passenger Corporation (AMTRAK) -
Northeast Corridor

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

1. The dismissal of B&B Mechanic T. F. Schlosser for alleged violation of Amtrak Engineering Absenteeism Policy on October 17, 18, 21, 22, November 9 and 10, 1991 was arbitrary, capricious, an abuse of the Carrier's discretion and based on unproven charges. (System File NEC-BMWE-SD-2997D).
2. The Claimant shall be reinstated to service with seniority and all other rights unimpaired, his record cleared of the charge leveled against him, and he shall be compensated for all wage loss suffered.

FINDINGS:

Claimant T. F. Schlosser, a B&B Mechanic assigned to Gang 0222 headquartered in Baltimore, Maryland, was dismissed from service when he allegedly violated Amtrak Engineering Excessive Absenteeism Policy. The Carrier contends that the Claimant was allegedly absent on six days, October 17, 18, 21, 22, November 9 and 10, 1991, in less than a month. It further contends that taking into consideration the Claimant's past disciplinary record, the Carrier had just cause to dismiss the Claimant.

The parties being unable to resolve the issues, this matter came before this Board.

This Board has reviewed the evidence and testimony in this

case and we find that there is sufficient evidence in the record to support the finding that the Claimant is guilty of violating the rules relating to excessive absenteeism. Therefore, the Claim must be denied.

The Claimant's record reveals that the Claimant was absent on six days, October 17, 18, 21, 22, and November 9 and 10, 1991, in less than a one-month period. Under the Carrier's rules, that certainly constitutes excessive absenteeism in that short period of time.


Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. This Board will not set aside a Carrier's imposition unless we find its action to have been unreasonable, arbitrary or capricious.

In the case at hand, the Claimant had previously been found guilty of excessive absenteeism and has received previous suspensions of 10 days, 30 days, as well as a number of letters of warning. This Board has previously held that excessive absenteeism is a serious offense warranting dismissal, especially when there is a past record of similar offenses.

The record reveals that this Claimant has been given a number of opportunities to improve his performance. However, he has failed. This Board cannot find that the Carrier acted unreasonably or arbitrarily when it finally terminated his employment. Therefore, the claim must be denied.

AWARD

Claim denied.

_____
Neutral MemberPatricia A. Engle
Carrier MemberDate: 5-25-93

Organization Member