

Aug 13 1 14 PM '90

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: CSX Transportation, Inc.

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

Dismissal of A.B. Warner, ID # 163595 as a result of investigation held June 21, 1989 at Florence, South Carolina."

FINDINGS:

On June 21, 1989, Claimant was charged with habitual absenteeism from work in violation of Rule 17(B) of the Agreement between Seaboard System Railroad and its Maintenance of Way Employees which reads as follows:

An employee desiring to be absent from service must obtain permission from his foreman or the proper officer. In case an employee is unavoidably kept from work, he must be able to furnish proof of his inability to notify his foreman or proper officer.

A formal hearing was held on July 21, 1989, and as a result, Claimant was dismissed from service. The Organization thereafter filed a claim on Claimant's behalf, challenging his dismissal.

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 was guilty of habitual absenteeism. The record is clear that the Claimant did not work at all in the months of September, October, November, and December 1988. That type of record is atrocious, and the Carrier had sufficient right to issue discipline to him.

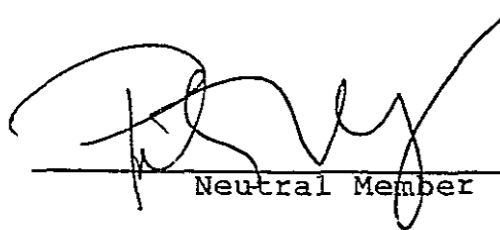
Once this Board has determined that there is sufficient evidence

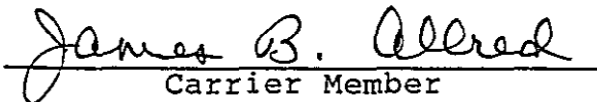
in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. This Board will not set aside a Carrier's imposition of discipline unless we find its action to have been unreasonable, arbitrary, or capricious.

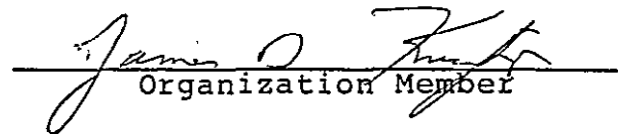
The record demonstrates that the Claimant had previously been issued two letters of caution and 35 days of suspension for chronic absenteeism. Given that previous record this Board cannot find that the Carrier acted arbitrarily when it terminated the Claimant's employment. Therefore, the claim will be denied.

Award:

Claim denied.

  
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Neutral Member

  
\_\_\_\_\_  
Carrier Member

  
\_\_\_\_\_  
Organization Member

Date: July 30, 1990