

BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 1040

Case No. 19

PARTIES : SOO LINE RAILROAD COMPANY
TO :
DISPUTE : BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM:

Appeal of Claimant Armando Gonzales' ninety (90) actual working-day suspension.

FINDINGS:

Claimant Armando Gonzales was employed by the Carrier as a welder foreman.

On April 18, 1994, the Carrier notified the Claimant to appear for a formal investigation in connection with his continued excessive absenteeism when he allegedly was tardy for his assignment on April 8, 11, and 12, 1994.

After two postponements, the hearing commenced on May 17, 1994. On May 31, 1994, the Carrier advised the Claimant that he had been found guilty of the charges and that he was being assessed a ninety (90) actual working-day suspension effective that date.

On June 10, 1994, the Claimant advised the Carrier of his desire to appeal his suspension under the provisions of the Agreement of June 1, 1990, and this matter is now 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 was guilty of excessive absenteeism. The record clearly reveals that the Claimant was tardy

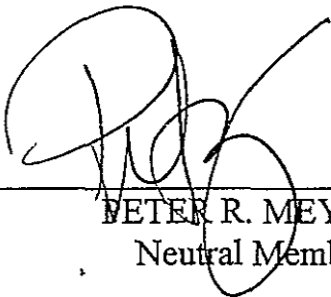
for his assignment on April 8, 11, and 12, 1994.

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 actions to have been unreasonable, arbitrary, or capricious.

The Claimant's record reveals that he has been disciplined on numerous occasions during his five years of employment with the Carrier. He has received a twenty (20)-day suspension, a ninety (90)-day suspension, and a forty-five (45)-day suspension. Given that previous disciplinary record, this Board cannot find that the Carrier acted unreasonably, arbitrarily, or capriciously when it issued the Claimant a ninety (90)-day suspension for his excessive absenteeism in this case. It is evident that the Carrier is attempting to notify the Claimant that if he does not improve as an employee, his job will be in jeopardy.

AWARD:

Claim denied.



PETER R. MEYERS
Neutral Member

Dated: June 29, 1994