

SPECIAL BOARD OF ADJUSTMENT NO. 1040

SOO LINE RAILROAD COMPANY
and
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

Case No. 7

STATEMENT OF CLAIM: Claim of the Brotherhood that:

The twenty (20) working-day suspension of Claimant Michelle L. Green for failure to protect her assignment on a full-time basis on March 21, 1991, and April 1, 1991, was unwarranted.

FINDINGS:

On April 1, 1991, the Carrier notified Claimant Michelle L. Green that, effective that date, she was being assessed a twenty (20) working-day suspension from service as a result of her continued failure to protect her assignment on a full-time basis. On April 12, 1991, the Organization, on behalf of the Claimant, requested a hearing to determine the facts surrounding the twenty (20) working-day suspension. The hearing commenced on May 2, 1991; and on May 21, 1991, the Carrier notified the Claimant that she had been found guilty of the charge against her and that her suspension was upheld. On May 24, 1991, the Claimant advised of her desire to appeal her suspension and 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 that the Claimant was guilty of failing to protect her assignment on March 21, 1991, and April 1, 1991. Although this Board is sympathetic to the reasons for the tardiness and absence of the

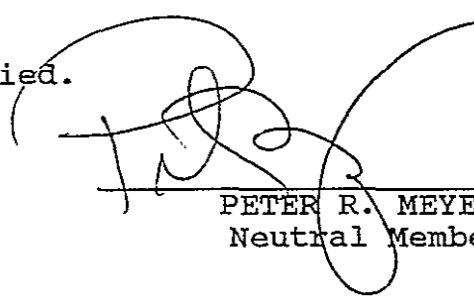
Claimant, the fact remains that the Carrier was counting on the Claimant to be at work on time on the dates in question and she failed to appear. The railroads require people to be at their jobs so that the railroads can operate properly.

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 reveals that the Claimant in this case had previously received a five (5)-day suspension for her continued failure to protect her assignment. In this case, she received a twenty (20)-day suspension. That type of discipline is progressive and is proper in these types of attendance-related matters. Given the short tenure of the Claimant and the previous discipline that she received, which also included a warning letter relating to absenteeism, this Board cannot find that the action taken by the Carrier was unreasonable, arbitrary, or capricious. Therefore, the claim will be denied.

AWARD:

Claim denied.



PETER R. MEYERS
Neutral Member

Carrier Member

Organization Member

Date: _____

July 10, 1991