

Award No. 235

Docket No. 235

Mopac File 247-6888

Parties Brotherhood of Maintenance of Way Employees
to and

Dispute: Missouri Pacific Railroad Company

Statement
of Claim: 1. Carrier violated the effective Agreement when
System Rail Gang Trackman A. L. Natani was unjustly
dismissed November 17, 1984.

2. Claimant Natani shall now be paid for eight
(8) hours each work day beginning November 17,
1984, including any holidays falling therein
and any overtime which would have accrued to
him had he not been dismissed, and continuing
until reinstated to service with seniority, pass
and vacation rights unimpaired.

Findings: The Board, after hearing upon the whole record
and all evidence, finds that the parties herein are Carrier
and Employee within the meaning of the Railway Labor Act,
as amended, that this Board is duly constituted by Agreement
dated January 5, 1959, that it has jurisdiction of the par-
ties and the subject matter, and that the parties were given
due notice of the hearing held.

Claimant, on July 13, 1984, was assigned as Trackman
on System Rail Gang 6803 working near Union, Nebraska.
He absented himself from his assignment on July 13, 1984
without proper authority. Subsequent to that date, Claimant
failed to protect his assignment on a continuous basis.

Consequently, on August 10, 1984, the Manager of Rail notified Claimant to attend a formal investigation for his failure to report and protect his assignment on July 13, and then continuing to be absent thereafter.

Claimant failed to appear at the investigation finally held on November 6, 1984. It was then held in absentia. As a result thereof, Carrier concluded therefrom that Claimant was guilty of the charge placed against him. He was dismissed from service as discipline therefor.

The Board finds the Claimant was accorded the due process to which entitled under his Discipline Rule.

There was sufficient evidence adduced to support the conclusions reached by the Carrier. As noted in Second Division Award 6240:

"The Board has repeatedly pointed out the detrimental effects of absenteeism on the operations of the railroad. (Award 1814-Carter, Award 5049-Johnson) The confusion and disruption created when an employee absents himself from work without due notice to supervision is harmful not only to the employer but also to employees as well. We therefore cannot fault Management when it takes effective measures to deter excessive absenteeism and tardiness."

Claimant's indifference to his obligation to protect his work assignment was equally demonstrated by his interest in the disciplinary investigation being held in his behalf.

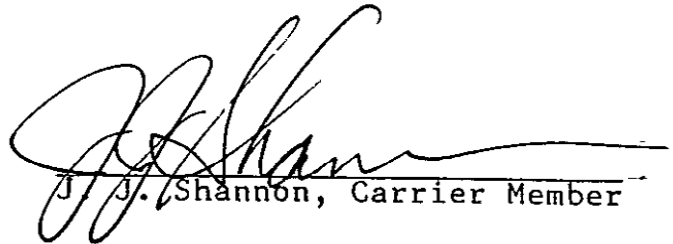
The Claimant had only six months seniority. The discipline, in the circumstances, is found to be reasonable.

This claim will be denied.

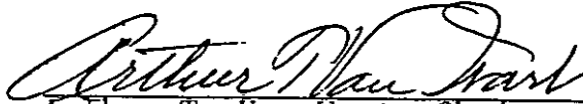
Award: Claim denied.



M. A. Christie, Employee Member



J. J. Shannon, Carrier Member



Arthur T. Van Wart, Chairman
and Neutral Member

Issued August 23, 1986.