

SPECIAL BOARD OF ADJUSTMENT NO. 280

Award No. 194
Case No. 281

PARTIES Brotherhood of Maintenance of Way Employees
TO and
DISPUTE St. Louis, Southwestern Railway Company

<u>STATEMENT OF CLAIM</u>	"Claim of the System Committee that:
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1. Carrier violated the effective agreement when Track Laborer Joel Santillan was unjustly suspended for ten (10) working days effective September 23 through October 6, 1983.
2. Claimant Santillan shall now be paid for 80 hours of laborer's straight-time rate of pay plus 8 hours of straight-time rate for the day he lost due to attending the hearing and also be compensated for 300 road mi. at the rate of 23¢ per mile for traveling to the hearing, and the charge of violation of Company Rule 810 removed from his personal record."

FINDINGS

Upon the whole record, after hearing, the Board finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted under Public Law 89-456 and has jurisdiction of the parties and the subject matter.

Claimant had been absent without authority from September 8 through September 22, 1983. When he returned to work he was suspended from service for a period of ten working days from September 23 through October 6, 1983. Subsequently, at his request, claimant was granted a hearing held on December 7 and following the hearing, Carrier reaffirmed its decision with respect to the discipline.

The facts in this dispute are that on September 8, 1983, claimant called his Foreman and asked to begin the remainder of his vacation on that day. The reason for this request was that his automobile had broken down some 100 miles from his working point and he wished the vacation in order to repair his automobile. The Foreman informed him that he was needed and could not let him off and the claimant nevertheless did not report to work until some 15 days later.

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It is clear from the record that claimant was not given permission to be off work and, if he had been permitted to take the remaining week of his vacation, he would have been due back on the job on September 15, rather than the 23rd. It is apparent that there is no question but that claimant was guilty of the charge against him and that Carrier had every right to insist on a penalty in view of his infraction. The transgression is particularly difficult to understand in view of the fact that there was no further contact with Carrier during the entire 15-day period after the initial telephone call. Under the circumstances, Carrier's decision to accord claimant merely a 10-day suspension must be considered to have been lenient. Therefore, the claim must be denied.

AWARD

Claim denied.



I. M. Lieberman, Neutral-Chairman


M. A. Christie, Employee Member
R. O. Naylor, Carrier Member

Houston, Texas

January 14, 1985