

SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 108

Docket No. 111

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Appeal by the System Committee of the Brotherhood "of Discipline Notice No. E-678, dated July 19, 1985, indicating 60 days actual suspension for Mr. D.H. Lopez's alleged responsibility in connection with absenting himself on June 28, 1985, without proper authority, and alleged failure to follow instructions concerning requesting permission to be absent on June 28, 1985."

FINDINGS:

This Board, upon the whole record and all the evidence, finds and holds that the employees and the Carrier involved are respectively employees and Carrier within the meaning of the Railway Labor Act as amended and that the Board has jurisdiction over the dispute herein.

On July 3, 1985, Claimant was directed to attend a formal investigation of the charge:

To determine your responsibility in connection with absenting yourself on Friday, June 28, 1985, without proper authority and your failure to follow instructions concerning requesting permission to be absent on June 28, 1985.

After a postponement, the investigation was held on July 10, 1985, and a copy of the transcript has been made a part of the record. We find that the investigation was conducted in a fair and impartial manner.

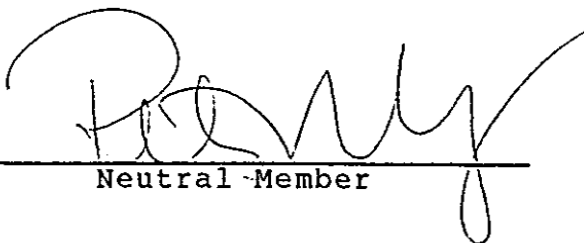
This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence to support the finding that the Claimant was guilty of the offense with which he was charged.

Once this Board has determined that there was sufficient evidence to support the finding of guilt, we next turn our attention to the type of discipline imposed. This Claimant has been disciplined on numerous occasions for attendance problems. Consequently, the 60 days of actual suspension was not out of line given the background of the

Claimant.

Award:

Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: April 13, 1988