

SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 116
Docket No. 123

PARTIES: Brotherhood of Maintenance of Way Employees
TO :
DISPUTE: Chicago and North Western Transportation Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

- (1) The five (5) day suspension and disqualification as Track Foreman and Assistant Foreman assessed Foreman J.S. Meggison for alleged unauthorized absence on July 24, 1986, was without just and sufficient cause and unwarranted. [Organization File 7FL-2090 D; Carrier File 81-86-139]
- (2) Claimant J.S. Meggison shall be allowed the remedy prescribed in Rule 19(d)."

FINDINGS:

Claimant was employed as a track foreman of an AFE/1 gang by Carrier in Itasca, Wisconsin. On July 24, 1986, Carrier's roadmaster was notified at about 7:40 a.m. that Claimant would not be at work that day. Claimant subsequently was directed to attend an investigation of the charge:

Your responsibility for violation of Rule 14, on July 24, 1986 while employed as Track Foreman at Itasca, WI.

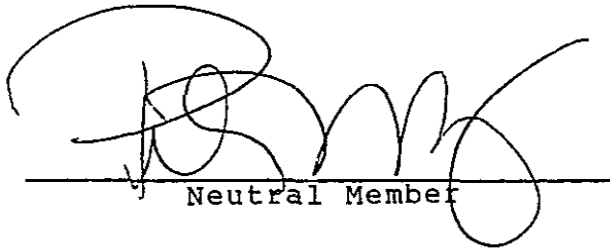
The hearing took place on July 31, 1986, and as a result, Claimant was assessed a five-day suspension and was disqualified as a track foreman and assistant track foreman. The Organization thereafter filed a claim on Claimant's behalf, challenging the assessed discipline.

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 failing to call in and protect his assignment, and it was not a sufficient excuse that he had to take his dog to the veterinarian and was unable to contact his supervisor.

Once this Board has determined that there is sufficient evidence in the record to support a guilty finding, we next turn our attention to the type of discipline imposed. The five (5) day suspension and the disqualification as track foreman and assistant track foreman that was assessed for an unauthorized absence and failure to call in on time is not unreasonable, arbitrary, or capricious given the nature of the offense and the background of the Claimant.

Award:

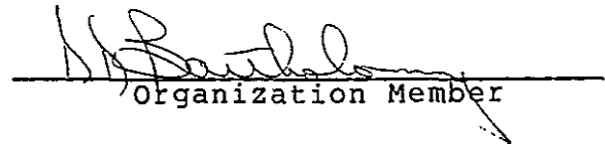
Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: May 18, 1988