SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 22
PARTIES: Brotherhood of Maintenance of Way Employes Docket No. 26
TO :
DISPUTE: Chicago and North Western Transportation Company

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

(1) The ten (10) day suspension assessed Foreman J. S. Meggison for alleged failure to report for duty at the regular starting time was without just and sufficient cause. (Organization File 7D-3147; Carrier File D-11-19-84).

(2) Foreman J. S. Meggison shall now be allowed the remedy prescribed in Rule 19(d).

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

This case involves a ten-day suspension assessed a track foreman for reporting about twenty-five minutes late on June 25, 1982. On the same day the claimant was notified to report for formal investigation on June 30, 1982, on the charge:

> "Your responsibility for failing to report for duty at the starting time of your assignment on June 25,1982 while assigned as Track Foreman at Itasca, Wisconsin."

The investigation was postponed and conducted on August 12, 1982. A copy of the transcript of the investigation has been made a part of the record.

Rule 14 of Carrier's General Regulations and Safety Rules reads:

> "Employees must report for duty at the designated time and place. They must be alert, attentive and devote themselves exclusively to the Company's service while on duty. They must not absent themselves from duty, exchange duties with or substitute others in their place, without proper authority."

In the investigation the claimant stated that the reason for being late on June 25, 1982, was because he overslept, and that he notified his supervisor, the Assistant Roadmaster, at 7:35 A.M. that he would be late. This was after his assigned starting time of 7:30 A.M.

Oversleeping is not a valid excuse for tardiness or absenteeism. There was substantial evidence in the investigation in support of the charge against the claimant, and, considering claimant's prior record, the discipline imposed was not arbitrary, capricious or in bad faith.

AWARD

Claim denied.

Paul C. Carter
Chairman, Neutral Member

J D Crawford
Carrier Member

H G Harper
Labor Member

Date: 5/8/84.