

SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 81
Docket No. 89

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 sixty (60) day suspension assessed Trackman R.E. Lue for allegedly absenting himself without authority was without just and sufficient cause. [Organization File 4D-4904; Carrier File 81-85-50-D]
- (2) Trackman R.E. Lue shall 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 employee and the Carrier involved are respectively employee and Carrier within the meaning of the Railway Labor Act as amended and that the Board has jurisdiction over the dispute herein.

On September 14, 1984, Claimant left work early due to pain from an earlier on-the-job injury. Claimant told his foreman that he had scheduled a doctor's appointment; the foreman instructed Claimant to report back on his condition. Claimant did not report back and did not work on September 17 and 18. Claimant subsequently was informed to attend a formal investigation of the charge:

Your responsibility in connection with absenting yourself from your work assignment without authority on September 17 and 18, 1984.

The investigation was held as scheduled, 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 in the record to support


the Carrier's finding that the Claimant was guilty of the charges of absenting himself from his work assignment without authority. The record is clear that although the Claimant claimed he was suffering from back pain on the dates in question, he was granted leave to be absent by the Carrier for the sole purpose of seeing a doctor and reporting back as to his physical condition. The Claimant did not see the doctor on the dates in question and did not report back to the Carrier that he had been unable to see the doctor. Consequently, there is sufficient evidence that the Claimant was in violation of the rules.

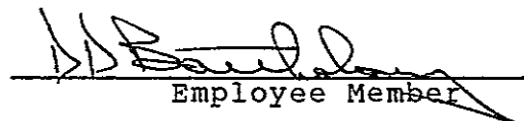
Once this Board determines that a claimant was properly found guilty, we then turn our attention to the nature of the discipline imposed. The Claimant in this case has had numerous previous disciplines for attendance-related matters dating back to 1979. Based on that record, we do not find that it was unreasonable, arbitrary, or capricious for the Carrier to issue a 60-day suspension to the Claimant for this violation.

Award:

Claim denied.


Chairman, Neutral Member


Carrier Member


Employee Member

Date: February 25, 1987