

AWARD NO. 65  
CASE NO. 65

Special Board of Adjustment No. 956

PARTIES  
TO  
DISPUTE:

Brotherhood of Maintenance of Way Employees  
and  
New Jersey Transit Rail Operations, Inc.

STATEMENT  
OF  
CLAIM

Claim of the Brotherhood:

The discipline of a 15-day actual suspension, which activated a 15-day deferred suspension, assessed on Claimant L. Gordon shall be rescinded, expunged from the record, and he shall be made whole for any and all lost wages and benefits.

FINDINGS

Claimant L. Gordon was a trackman with this Carrier with a seniority date of November 12, 1986. The Claimant was absent without permission on April 25 and 26, 1988. Prior to said infraction, Mr. Gordon was sent notices regarding his unsatisfactory attendance pattern. In addition, in less than two years while employed with this Carrier, Claimant has been absent without permission a total of 12 times. As a result of his actions, Claimant was charged with and found guilty of excessive absenteeism when he failed to cover his assignment on the aforementioned dates.

The discipline of a 15-day actual suspension which activated a 15-day deferred suspension was assessed Claimant for his actions. By

letter dated June 6, 1988, both the Claimant and the Organization were notified of the assessed discipline.

Claimant had been disciplined two times previously for his unacceptable attendance pattern when he received a 10-day suspension April 1, 1987 for failure to cover his assignment, and when a 15-day deferred suspension was assessed for his failure to cover his assignment on October 2, 1987. Claimant also received three prior notices for his unacceptable attendance pattern.

Carrier's concern about absences is not cavalier or unreasonable. After all, it is responsible for the safe and efficient operation of a railroad and in order to carry out that mission it must have employees who can be relied upon for steady service.

AWARD: Claim denied.

Adopted at Newark, New Jersey, January 10, 1989<sup>90</sup>.



Harold M. Weston, Chairman



Carrier Member



Employee Member