

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 48

Docket No. NEC-BMWE-SD-1741D

PARTIES: Brotherhood of Maintenance of Way Employes

TO :

DISPUTE: National Railroad Passenger Corporation (Amtrak)

FINDINGS:

Claimant C. Banks is employed as a trackman by Carrier at its Sunnyside Yard facility in New York. On January 13, 1987, Claimant was notified to attend an investigation of the charge:

You were excessively absent in whole or in part on the following dates: December 29, 1986, January 2, 1987, and January 12, 1987.

The hearing took place on February 12, 1987, and as a result, Claimant was assessed a ten-day suspension. The Organization thereafter filed a claim on Claimant's behalf, challenging the suspension.

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 the offense with which he was charged.

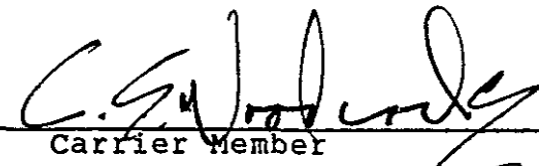
Once this Board determines that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. In this case, the Claimant was clearly absent three (3) times in less than three (3) weeks. Only the month before, he had received the written warning. Therefore, the Carrier rules require that this violation lead to a ten (10) day suspension. This Board has already reviewed the Carrier's discipline procedure for excessive absenteeism cases and found it to be reasonable. Therefore, there was nothing unreasonable about the issuance of a ten (10) day suspension to the Claimant for the new violation. Consequently, the claim must be denied.

Award:

Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: 4-12-88