

The Second Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers  
(The Baltimore and Ohio Chicago Terminal Railroad Company

STATEMENT OF CLAIM:

1. That the Baltimore and Ohio Chicago Terminal Railroad Company arbitrarily and capriciously disciplined Electrician R. L. Bradley five (5) days actual suspension as a result of hearing on July 15, 1987; and
2. That the Baltimore and Ohio Chicago Terminal Railroad Company make Electrician Bradley whole for all time lost as a result of the arbitrary and capricious application of discipline; and
3. That the Baltimore and Ohio Chicago Terminal Railroad Company expunge all mention of the arbitrary and capriciously assessed discipline from Electrician Bradley's record.

FINDINGS:

The Second Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Claimant was employed by the Carrier as an Electrician at its Riverdale, Illinois, facility.

On June 24, 1987, the Carrier notified the Claimant to attend an Investigation in connection with the following charge:

". . . excessive absenteeism from your assignment in that you were absent, tardy, or left early on the following dates:

Absent	Sick	Tardy or Left Early
5/9/87	4/29/87	3/15/87 . . .
6/10/87	6/20/87	5/22/87 . . .
		6/4/87 . . .
		6/12/87 . . .
		6/14/87 . . .
		6/19/87 . . ."

After one postponement, the Hearing took place on July 15, 1987. On August 18, 1987, the Carrier notified the Claimant that he had been found guilty of the charge brought against him and was assessed discipline of 5 days' actual suspension, beginning August 19, 1987, and running through August 23, 1987. The Organization thereafter filed a Claim challenging his suspension.

This Board has reviewed the evidence and testimony, and we find that there is sufficient evidence that the Claimant was guilty of excessive absenteeism when he was absent, tardy, or left early on ten different occasions between March 15, 1987, and June 20, 1987. Although the Claimant contends that he had legitimate reasons for his absenteeism or tardiness, the fact remains that that record is sufficient to constitute a violation of the Rules prohibiting excessive absenteeism.

Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the degree of discipline imposed. This Board will not set aside a Carrier's imposition of discipline unless we find its action to have been unreasonable, arbitrary, or capricious.

In the case at hand, the Claimant received a five-day suspension. Given the nature of the violation and the previous record of the Claimant, this Board cannot find that the action taken by the Carrier was unreasonable, arbitrary, or capricious.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 28th day of November 1990.