

The Third Division consisted of the regular members and in addition Referee Paul C. Carter when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union  
(Soo Line Railroad Company)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-10267) that:

1. Carrier's action in the dismissal from service of Ms. Arletha Pulphus, Train Clerk, Bensenville, IL, effective August 29, 1986, was arbitrary, capricious and unreasonable.

2. Ms. Arletha Pulphus shall have her record cleared of all charges placed against her as a result of this dispute.

3. Ms. Arletha Pulphus shall be reinstated to the service of the Carrier with seniority and other rights unimpaired.

4. Ms. Arletha Pulphus shall now be compensated for all wages and other losses sustained account of her arbitrary dismissal."

FINDINGS:

The Third 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.

Prior to the occurrence giving rise to the dispute herein, Claimant was employed by the Carrier as a train clerk at Bensenville, Illinois. Following an Investigation conducted on August 20, 1986, Claimant was dismissed from service for failure to properly protect position to which she was assigned on August 9, 1986.

A copy of the transcript of the Investigation conducted on August 20, 1986, has been made a part of the record. We find that the Investigation was conducted in a fair and impartial manner. Claimant was present throughout the investigation and was represented.

The record shows that on August 9, 1986, Claimant was called at her home, about thirty minutes after the starting time of her assignment, to ascertain why she had not reported to work. She stated that she was ill and had so informed the Chief Clerk the previous day. A call to the Chief Clerk on duty the previous day, August 8, 1986, revealed that Claimant had requested a day off on that day only. The Chief Clerk on duty on August 8, 1986, testified in the Investigation that Claimant had laid off for one day only on August 8, 1986. A written record prepared by the Chief Clerk on August 8, 1986, was introduced confirming that fact.

In the Investigation Claimant stated that she had laid off on August 8, 1986, until further notice.

This Board has issued Awards too numerous to require citation that it will not weigh evidence, attempt to resolve conflicts therein, or pass upon the credibility of witnesses. We adhere to that principle here. We find that substantial evidence was adduced in the Investigation in support of the charge against Claimant.

We note that the Claimant's prior record with regard to absenteeism and tardiness was far from satisfactory. She had previously been dismissed from service in June, 1985, for failing to protect her assignment, and reinstated on a leniency basis in March, 1986. Between the date of reinstatement and the date of the occurrence here involved, the Claimant had received five letters of reprimand for tardiness and absenteeism.

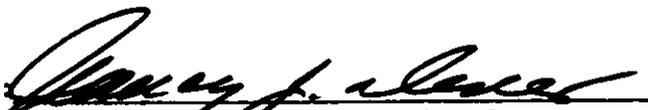
There is no proper basis for the Board to interfere with the discipline imposed.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 29th day of March 1989.