

AWARD NO. 26  
Case No. 26

Organization File No.  
Carrier File No. IC-BLET-2009-00006

**PUBLIC LAW BOARD NO. 7154**

PARTIES ) BROtherHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN  
)  
TO )  
)  
DISPUTE ) CANADIAN NATIONAL (ILLINOIS CENTRAL RAILROAD)

STATEMENT OF CLAIM:

Claim of CN/IC Engineer J. T. Llewellyn for removal of a twenty (20) day suspension and payment for one (1) day attending the investigation held on October 28, 2008 to determine your responsibility, if any, in whether or not you were absent without authority on November 10, 2008.


FINDINGS:

The Board, upon consideration of the entire record and all of the evidence, finds that the parties are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated October 15, 2007, this Board has jurisdiction over the dispute involved herein, and that the parties were given due notice of the hearing held.


The essential facts in this case are not in dispute. Claimant, an extra board Engineer, marked off sick at 0038 on October 4, 2008. Carrier rules required him to either mark up or extend his layoff within 24 hours. Claimant did neither. Consequently, he was directed to attend a formal investigation at which he was charged with being absent without authority. Following the investigation, Claimant was assessed a twenty day suspension.

Although Claimant testified that he attempted to call the crew caller, he said he hung up when his call went to voice mail. He did not leave a message or attempt to contact anyone else. He acknowledged that he did not have permission to be absent on October 5, 2008. We find, therefore, that the charge against Claimant was proven. A review of Claimant's record shows several disciplinary entries for attendance related offenses. Under the circumstances, we find no basis to modify the discipline imposed by the Carrier.

AWARD: Claim denied.

  
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Barry E. Simon  
Chairman and Neutral Member

  
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Dennis Pierce  
Employee Member

  
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Timothy E. Rice  
Carrier Member

Dated: February 19, 2010  
Arlington Heights, Illinois