

**PUBLIC LAW BOARD 7154**

**PARTIES TO THE DISPUTE:                      BROTHERHOOD OF LOCOMOTIVE  
ENGINEERS AND TRAINMEN**

And

**ILLINOIS CENTRAL RAILROAD COMPANY**

**STATEMENT OF CLAIM:**

“Claim of CN/IC Engineer Jerry Baker for the unwarranted discipline of 20 days Actual Suspension from service (June 28, 2020 through July 17, 2020) assessed to Engineer Baker. This claim is for all compensation lost during suspension and removal of all notations from his personal work record of discipline assessed, and an additional day’s pay for attending the hearing for alleged violation of USOR I - Duty Reporting or Absence.”

**STATEMENT OF THE FACTS:**

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

This Public Law Board has jurisdiction over the dispute involved herein.

On June 16, 2020, the Carrier conducted an investigation in connection with the Claimant’s alleged violation of the Carrier’s Management Attendance Guidelines (“AMG”). Specifically, the evidence adduced at the investigation established that Claimant was absent on April 22, 2020, May 6, 2020, and June 5, 2020. The Carrier

considered the latter absence to be Claimant's third occurrence of an unexcused absence within a 12-week period.

Therefore, on June 26, 2020, the Carrier notified the Claimant that he was found to be in violation of USOR Rule I - *Duty-Reporting or Absence* and assessed a 20-day actual suspension from service. After the Organization's appeals were denied by the Carrier, the matter was submitted to this Board for resolution.

Initially, the Organization's procedural contentions cannot be sustained because it has failed to establish that alleged violations prejudiced the Claimant in any way. Turning to the merits, the Board concludes that the Carrier present substantial evidence to support the alleged violation herein. Furthermore, the penalty imposed is consistent the Carrier's discipline policy and the AMG. Accordingly, the claim is denied.

**AWARD**

Claim denied.



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James M. Darby, Chairman

Marcus Ruef June 3, 2022  
Marcus Ruef, Organization Member

SAKNIL  
Steve Napierkowski, Carrier Member

