

**PUBLIC LAW BOARD 7239**

PARTIES      BROTHERHOOD OF LOCOMOTIVE  
                 ENGINEERS AND TRAINMEN  
                 TO  
DISPUTE      CANADIAN PACIFIC KANSAS CITY RAILWAY

AWARD NO. 159  
CASE NO. 159  
FILE: 2022-1804-01


**STATEMENT OF CLAIM:** Claim of KCS Engineer Lee Sugg for the unwarranted discipline of 2 points under the Availability Policy Train, Engine & Yard (TE&Y) Employees. This claim is for removal of all notations of discipline from his personal work record of discipline assessed, and an additional day's pay for attending the hearing for alleged violation of The Kansas City Southern Railway Company's General Code of Operating Rules 1.15 - Duty - Reporting or Absence and The Kansas City Southern Railway Company's System Circulars No. 001 - Availability Policy for Train Engine & Yard( TE&Y) Employees.

**FINDINGS AND OPINION:** This Board finds the parties herein are the Carrier and Employee, respectively, within the meaning of the Railway Labor Act, as amended: this Board has jurisdiction over this dispute; and the parties were given due notice of the hearing.

Claimant was employed on May 15, 1990, and was subsequently promoted to engineer. On September 16, 2022, while working as Engineer on a regular assignment in Jackson, Mississippi, Claimant was charged with being in violation of Carrier's attendance policy between June 8, 2022 and September 6, 2022. As a result, a hearing was scheduled and based on the evidence, Claimant was assessed two points.

The evidence developed in the hearing confirms that Claimant violated Carrier's policy. The Organization argues that the discipline is excessive and Claimant be paid for time lost. In addition to off days, Claimant had a total of five days missed with three days attached to rest days. Claimant advised his absences were due to hemorrhoidal flareups and presented medical evidence of the condition. The Board finds no reason to overturn the Carrier's decision.

AWARD: Claim denied.

  
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David N. Ray, Chairman

  
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Jacob McCahill, Carrier Member

  
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J. Alan Holdcraft, Employee Member

Signed at Estero, Florida on November 17, 2023.