PUBLIC LAW BOARD 7239

PARTIES TO: BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

DISPUTE: KANSAS CITY SOUTHERN RAILWAY COMPANY

AWARD NO. 67
CASE NO. 67
FILE: G0115-1129

STATEMENT OF CLAIM: Claim of KCS-GWWR Engineer Lynn Sullivan for immediate reinstatement to service with seniority and vacation rights unimpaired, payment for all time lost, removal of all notations from his personal work record resulting from his dismissal from service on October 28, 2015. This claim shall include all wage equivalents to which he is entitled, all out of pocket cost for Health and Welfare benefits or any loss of such benefits, and any other benefit he would have received working as an active Locomotive Engineer for the KCS-GWWR Railroad for alleged violation of Kansas City Southern Railway Company's General Code of Operating Rules 1.15 - Duty Reporting or Absence and Kansas City Southern Railway Company's System Circulars No. 001-TE&Y Attendance Procedure.

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 April 23, 2001, and was subsequently promoted to engineer. On October 7, 2015, while working as a pool engineer out of Kansas City, Kansas, Claimant was charged with being in violation of Carrier's attendance policy between June 30, 2015 and September 29, 2015. As a result, a hearing was scheduled and based on the evidence, Claimant was dismissed.

The evidence developed in the hearing confirms that Claimant violated Carrier's policy. The Organization points out Claimant's personal problems in dealing with his mother's health issues and his brother's illness. Claimant was off sick or family emergency on thirty days, many on week ends. In spite of difficult personal problems, the Carrier has a right to expect regular and reliable attendance from employees. The Board finds no reason to overturn the Carrier's decision.

AWARD: Claim denied.

David N. Ray

David N. Ray, Chairman

Jennie Nyp, Carrier Member

Cole W. Davis, Employee Member

Signed at Estero, Florida on October 21, 2017.