

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
FIRST DIVISION**

**Award No. 28919  
Docket No. 48883  
18-1-NRAB-00001-160480**

The First Division consisted of the regular members and in addition Referee Louis V. Imundo, Jr. when award was rendered.

**PARTIES TO DISPUTE:** (SMART – Transportation Division  
(Union Pacific Railroad Company

**STATEMENT OF CLAIM:**

“Claim of North Platte Yardman Z A Pralle for removal of First Offense notation under Carrier’s attendance policy from his personal record, with compensation for any lost time and benefits as a result of this matter, including but not limited to time lost while attending the investigation, all wage equivalents to which entitled, vacation benefits, and all insurance benefits and monetary loss for such coverage while improperly disciplined.”

**FINDINGS:**

The First Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

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 June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

The Board reviewed the record in its entirety and considered the parties’ respective positions. September 10th and the 29th were earned and compensated days off and cannot be counted for the purpose of determining when, in a given period of time absenteeism is considered excessive. It was improper to consider Thursday,

September 10th as a weekend because it flowed into Friday by a few hours. The Claimant was available for work at 0632 hours on Friday. The Board determined that the First Offense under the attendance policy was unwarranted and is hereby rescinded. The Claimant is to be compensated for the hearing day.

**AWARD**

Claim sustained.

**ORDER**

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

**NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of First Division**

Dated at Chicago, Illinois, this 28th day of March 2018.