

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute: (System Federation No. 22, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Firemen & Oilers)
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(St. Louis-San Francisco Railway Company

Dispute: Claim of Employees:

1. That under the current applicable Agreement Laborer, Johnathan E. Gray, was unjustly dismissed from the service of the Carrier on April 25, 1977.
2. That accordingly, the St. Louis-San Francisco Railway Company compensate Laborer, Johnathan E. Gray, at the pro rata rate of pay for each work day beginning April 25, 1977, until he is reinstated to service and in addition to receive all benefits accruing to any other employee in active service, including vacation rights and seniority unimpaired.

Claim is also made for Laborer, Johnathan E. Gray, for his actual loss of payment of insurance on his dependents and hospital benefits for himself, and that he be made whole for pension benefits including Railroad Retirement and Unemployment Insurance, and in addition to the money claimed herein, the Carrier shall pay Mr. Gray an additional sum of 6% per annum compounded annually on the anniversary date of said claim.

Findings:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe 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 waived right of appearance at hearing thereon.

Claimant, who was first employed by the Carrier on January 4, 1974, was dismissed from service on May 2, 1977, following an investigative hearing. The record shows that the hearing was conducted in a fair manner and that the claimant and his representative were not improperly denied information concerning the claimant's personnel record.

The record further shows a total of 123 instances of absenteeism, tardiness, or leaving work early between January 1, 1976, and April 7, 1977. During this period claimant was given warning letters concerning his attendance record on three occasions. The Board finds no basis on which to disturb the action of the Carrier in dismissing the claimant from service.


A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 7th day of February, 1979.