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Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 6457
Docket No. 6302
2-IC-CM-'73

The Second Division consisted of the regular members and in addition Referee Irving T. Bergman when award was rendered.

Parties to Dispute:

(System Federation No. 99, Railway Employees'
Department, A. F. of L. - C. I. O.
(Carmen)
(The Illinois Central Railroad Company

Dispute: Claim of Employees:

1. That under the current agreement Car Inspector A. R. Yates was unjustly dismissed from the service of the Illinois Central Railroad on May 19, 1971.
2. That accordingly the Illinois Central Railroad be ordered to reinstate Car Inspector A. R. Yates to service with seniority unimpaired, paid for all time lost, and any other benefits he would be deprived of while being held out of service.

Findings:

The Second 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 waived right of appearance at hearing thereon.

Claimant was absent from work on April 11, 12, 13, 14, 15 and 18. A hearing was held to determine his responsibility for being absent. At the hearing it was developed from the claimant's testimony that he claimed to be ill on April 11 and on April 12. He did not reach anyone to notify them that he would be absent on April 11 but did give such notice on April 12. As to the remaining days, claimant testified that he had no excuse for not calling and that he was not too ill to make a telephone call. He did not report ill to the carrier's doctor and offered no proof of illness to justify the extended absence.

His past record listed a number of reprimands, a suspension to which he consented, excessive, unexplained and unreported absences, and repeated violations of rules while on the job.

It is conceded that the hearing was fairly conducted after proper notice and claimant was represented at the hearing.

There is no reason to disturb either the conclusion reached by the hearing officer or the penalty imposed. The evidence produced at the hearing and the claimant's record of past misconduct justify the result.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 27th day of February, 1973.