

The Second Division consisted of the regular members and in addition Referee David P. Twomey when award was rendered.

Parties to Dispute: ( Sheet Metal Workers' International  
( Association  
(  
(  
( St. Louis Southwestern Railway Company

Dispute: Claim of Employees:

1. That the St. Louis Southwestern Railway Company violated the controlling Agreement, particularly Rule 24-1 and 24-4, when they unjustly dismissed Sheet Metal Worker Apprentice John Frederick Williams from service effective May 15, 1973.
2. That accordingly, the St. Louis Southwestern Railway Company be ordered to return Sheet Metal Worker Apprentice John Frederick Williams to service with all seniority rights unimpaired and compensate him as follows:
  1. Compensate Claimant for all time lost.
  2. Make whole for all vacation rights.
  3. Pay premium (or Hospital Association dues) for hospital, surgical and medical benefits for all time held out of service.
  4. Pay premium for Group Life Insurance for all time held out of service.
  5. Compensate Claimant for all holidays lost.
  6. Compensate Claimant for all sick pay.
  7. Compensate Claimant for all Jury Duty pay lost.

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 were given due notice of hearing thereon.

The Claimant was employed by the Carrier as a Sheet Metal Worker Apprentice at Pine Bluff, Arkansas. He was charged with failing to protect his assignment because he absented himself from duty without proper authority on April 2, 3, 5, 6, 9, 10, 11, 16, 17, 18, 19, 24, 26 and 30, 1973. An investigation was held; and thereafter the Claimant was found to be guilty of the charge and was dismissed from service.

We find that the investigation was fair and impartial. The charge was clear and specific: at the investigation the Claimant was completely aware of the charge. The Claimant had representation present at the hearing. He was given an opportunity to have witnesses present and give testimony; and he was permitted to cross examine witnesses. The fact that the Carrier officer who conducted the investigation also assessed the discipline is not improper. See Second Division Awards 1795, 5360, 5467 and 6057. At the investigation the Claimant admitted that he missed the assignments in question; and also admitted that he did not have permission from his supervisors.

We find that the evidence of the Claimant's guilt of the charge is clear and convincing; and we find that the discipline imposed is not arbitrary, excessive or unreasonable.

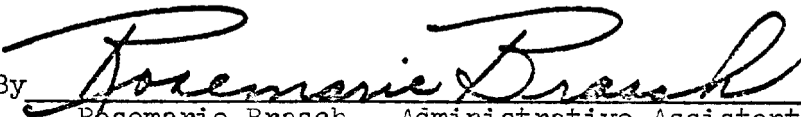
A W A R D

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 2nd day of May, 1975.