

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: (International Association of Machinists and
(Aerospace Workers, AFL-CIO
(George P. Baker, Robert W. Blanchette and Richard
(C. Bond, Trustees of the Property of Penn Central
(Transportation Company, Debtor

Dispute: Claim of Employees:

1. That Management at the Collinwood Diesel Locomotive Shop, Cleveland, Ohio, on September 17, 1971, unjustly and arbitrarily dismissed Mr. R. O. Burroughs, Machinist.
2. That Mr. R. O. Burroughs be returned to service with full seniority rights and be compensated for loss of wages, vacation pay, hospitalization benefits and any other benefits due to him until returned to service.
3. That compensation paid, be adjusted by payment of an additional 10% interest.

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, on August 31, 1971, was given notice to appear for an investigation on September 8, 1971 on the charge of "excessive absenteeism from your position with the Penn Central Transportation Company."

At the hearing the unrefuted testimony was that between June 22 and August 31, 1971 Claimant was absent without permission for 13 days, and from August 31 to September 8 Claimant was absent without permission for 5 days. Having determined that Claimant was excessively absent during this period and after reviewing his prior record (that included a reprimand for excessive absenteeism), Carrier dismissed Claimant from its service.

After reviewing the record in this dispute, including the hearing transcript (wherein Claimant agreed that the investigation was conducted in a fair and impartial manner), the Board finds that Carrier's action was not arbitrary or capricious.

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
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 26th day of August, 1975.