

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

Parties to Dispute: (System Federation No. 4 Railway Employees'
(Department A.F. of L. - C.I.O. - Carmen
(
(The Baltimore and Ohio Railroad Company

Dispute: Claim of Employees:

- L. That under the controlling agreement, Carrier improperly dismissed Carman W. L. Niederbrach from service by letter dated August 27, 1973 after investigation held on August 9, 1973 which Claimant was unable to attend.
2. That accordingly, Carrier be ordered to restore Carman Niederbrach to service with vacation and seniority rights unimpaired and be made whole for all losses including compensation.

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.

The Claimant is a veteran of 22 years of service. The Claimant was charged with excessive absenteeism from his regular assignment. The evidence produced at the investigation demonstrated Claimant's guilt of the charge. It is the opinion of this Board that the discipline imposed by Carrier has served its purpose: we therefore order the Claimant returned to service without back pay, but with all other rights unimpaired. We order that the disciplinary action be made part of the Claimant's record. The Claimant should understand without any equivocation that it is absolutely mandatory and necessary that he maintain a reasonable attendance record and that he be a dependable employee of the Carrier. It goes without saying that the Claimant is now being given a final opportunity to correct his improper conduct. We expect him to fully live up to his obligation to his job.

Form 1
Page 2

Award No. 6960
Docket No. 6838
2-B&O-CM-'75

A W A R D

Claim sustained to the extent indicated in Findings.

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 31st day of October, 1975.