

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

Parties to Dispute: ( System Federation No. 106, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Carmen)  
(  
( The Washington Terminal Company

Dispute: Claim of Employees:

1. That under the current agreement, Car Cleaner, Ronnie Logan, was unjustly dealt with when he was dismissed and dropped from the Rolls and Seniority Roster of The Washington Terminal Company effective June 2, 1975.
2. That accordingly The Washington Terminal Company be ordered to return Car Cleaner, Ronnie Logan, to the service of the Carrier with seniority and vacation rights unimpaired and compensate him for all time lost since June 2, 1975.

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 was absent for five days without notifying Carrier. Claimant was subsequently dismissed from service for violating Rule 18, the pertinent portion of which reads:

"Employees absenting themselves for five (5) days without notifying management shall be considered out of service and dropped from the rolls and seniority roster, unless justifiable reason can be shown as to why notice was not given, or sent in."

The Organization contends that Claimant was disciplined and denied the right to a hearing. It also asserts that Carrier failed to meet its burden of showing that Claimant knew of Rule 18 since Carrier had ceased issuing copies of rules to employees.

With respect to the first contention the Board finds that Rule 18 is a self-invoking rule and discipline was not involved in this dispute. Several awards of this and other Divisions support this view.

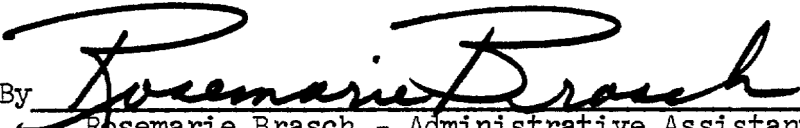
With respect to the second contention, the record shows that Claimant signed a certificate that he was successfully examined on the rules, and further that portions of Rule 18 regarding unauthorized absences were posted. Under such circumstances, the burden shifts to Claimant to rebut the presumption of knowledge established by Carrier. No rebuttal was presented in the record, and the claim must be denied.

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 6th day of January, 1978.