

The Second Division consisted of the regular members and in addition Referee Rolf Valtin when award was rendered.

Parties to Dispute: (System Federation No. 114, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Firemen & Oilers)
(Southern Pacific Transportation Company

Dispute: Claim of Employees:

1. That under the current agreement Firemen and Oiler, M. D. Prendergast was unjustly dismissed from the service of the Carrier on June 7, 1976.
2. That accordingly, the Carrier be ordered to:
 - (a) Restore the aforesaid employe to service with all service and seniority rights unimpaired, compensate him for all time lost and with payment of 6% interest added thereto.
 - (b) Reinstate all vacation rights to the aforesaid employe.
 - (c) Pay employes' group medical insurance contributions, including group medical disability, dependents' hospital, surgical and medical and death benefits premiums for all time that the aforesaid employe is 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 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.

The claimant, a Laborer with about two years of service with the Carrier, was discharged for his unauthorized and unexplained absence on six consecutive days in May 1976.

We see no proper basis for reversing or modifying the discharge. There is nothing in the record which would explain the absence. Indeed, there is nothing in the record which would give a clue -- other than that the claimant moved away -- as to his whereabouts either at the time of the absence or at the time of the hearing of his case.

The Organization seeks to prevail on the basis of the claimant's absence at the hearing. The answer must be that the Carrier, aside from sending a copy of the letter to the claimant's Local Chairman, sent a letter notifying the claimant of the pending hearing by certified mail to the claimant's address of record. To hold the Carrier accountable would represent a wholly erroneous switching of the burden.

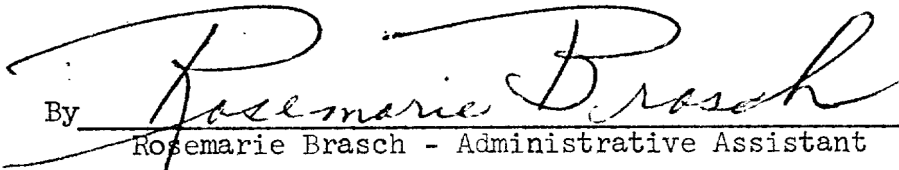
A W A R D

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 12th day of July, 1978.