

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

Parties to Dispute: (International Association of Machinists
(and Aerospace Workers
(
(Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company unjustly dismissed Machinist Helper J. C. Brown from service on May 12, 1976 for allegedly being absent from his assigned job on Monday, May 3, 1976, without proper authority.
2. That accordingly, the Missouri Pacific Railroad Company be ordered to compensate Machinist Helper J. C. Brown at the pro rata rate of pay for each work day beginning May 12, 1976 until he is reinstated to service. In addition, he shall receive all benefits accruing to any other employe in active service, including vacation rights and seniority unimpaired.
3. Claim is also made for Machinist Helper J. C. Brown's actual loss of payment of insurance on his dependents and hospital benefits, including Railroad Retirement and Unemployment Insurance.
4. In addition to the money claimed herein, the Carrier shall pay Machinist Helper J. C. Brown an additional sum of 6% per annum, compounded annually on the anniversary date of said claim, in addition to any other wages earned elsewhere, in order that he be made whole.

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 Machinist Helper with about $2\frac{1}{2}$ years service with the Carrier, was discharged for his unauthorized absence on May 3, 1976, coupled with his prior poor-attendance record -- which had resulted in warnings and a 30-day disciplinary suspension.

The claimant asserts illness as the cause of his absence on the day in question. We find nothing of reasonable persuasiveness to substantiate the assertion. Documentary proof is lacking, and the claimant's testimony strikes us as lame and as leaving pertinent questions unanswered.

Nevertheless, on the grounds that we are not convinced that corrective discipline had been exhausted, we have decided to give the claimant one last chance to show a drastic improvement in coming to work and in reporting to work on time. We are directing his reinstatement without impairment of seniority rights, but also without reimbursement for the wages lost. The claimant must understand that corrective discipline has been applied to the limit with this directive.

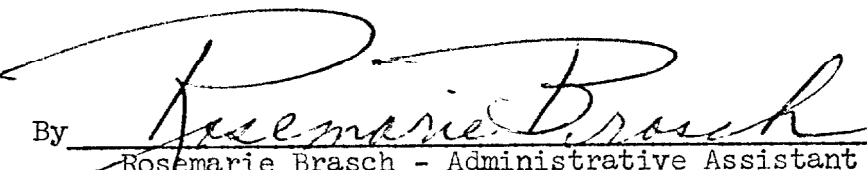
A W A R D

Claimant is to be reinstated as given in the Findings.

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.