

The Second Division consisted of the regular members and in addition Referee James F. Searce when award was rendered.

Parties to Dispute: (System Federation No. 6, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(
(Elgin, Joliet and Eastern Railway Company

Dispute: Claim of Employees:

1. That as a result of an investigation held on Tuesday, August 3, 1976, Temporary Carman Keith Redmon was dismissed from the service of the Elgin, Joliet & Eastern Railway Company, effective August 16, 1976. Said dismissal of Carman Redmon is arbitrary, capricious, unreasonable, unfair, unjust and in violation of the current working agreement, specifically Rules 116b and 100 (old rules 22 and 35).
2. That the Elgin, Joliet & Eastern Railway Company, hereinafter referred to as the Carrier, be ordered to reinstate Carman Redmon, hereinafter referred to as the Claimant, to the service of the Carrier with full seniority and all other rights unimpaired plus eight (8) hours pay at the pro rata rate for each day withheld from the Carrier's service until said reinstatement is effected. In addition to the money amounts claimed herein, the Carrier shall pay Claimant an additional amount of 6% per annum compounded annually on the anniversary date of the claim.

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 record presented relative to absenteeism leaves little doubt that the Claimant distinguished himself by a marked disinterest in his job or a lack of understanding that he was both expected and required to be regular in attendance. Whether or not the Carrier brought this to his attention at the time of each such infraction does not change their existence.


It is noted, however, that the Claimant is a young employee and assuming that the period of his mandatory removal will have made an impact upon him as to his obligations, we are returning him to his former position, without back pay, with the strongest possible suggestion that he seize this one last opportunity to prove himself a prompt, reliable and dedicated employee, with the further understanding that he report for work within 60 days after being notified by Carrier.

A W A R D

Claim upheld to the extent set forth 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 29th day of November, 1978.