

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. 22, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Firemen & Oilers)
(
(St. Louis-San Francisco Railway Company

Dispute: Claim of Employees:

1. That under the current applicable Agreement Laborer R. A. Mondy, was unjustly dismissed from the service on July 19, 1977.
2. That accordingly, the St. Louis-San Francisco Railway Company compensate Laborer R. A. Mondy, at the pro rata rate of pay for each work day beginning July 19, 1977, until he is reinstated to service and in addition receive all benefits accruing to any other employee in active service, including vacation rights and seniority unimpaired. Claim is also made for Laborer R. A. Mondy, for his actual loss of payment of insurance on his dependents and hospital benefits for himself, and that he be made whole for pension benefits including Railroad Retirement and Unemployment Insurance, and in addition to the money claimed herein, the Carrier shall pay Mr. Mondy an additional sum of 6% per annum compounded annually on the anniversary date of said 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 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 dismissed on July 19, 1977 for refusal to carry out work directions and for insubordination. Such action followed an investigation and hearing on July 18, 1977. The record supports the Carrier's rationale for discipline and evidences an employee who had accumulated prior discipline for similar and other infractions. By his own admission in the hearing, the Claimant had a poor attendance record and possibly bore a grudge against

the charging supervisor. There is little to recommend him for further consideration other than a fairly long work record. We shall assume, however, that the time the Claimant has been held out of service will have the necessary salutary effect of correcting all of his employment deficiencies. He is to be given one last chance and he should seize this opportunity to prove himself a model employee. Accordingly, claimant will be reinstated with all rights unimpaired, but without pay for time lost.

A W A R D

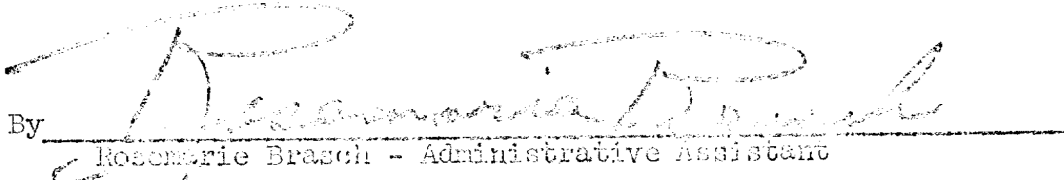
Claim is sustained to the extent set forth in the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD

By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosamaria Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 10th day of January, 1979.