

The Second Division consisted of the regular members and in addition Referee Robert A. Franden when award was rendered.

Parties to Dispute: { System Federation No. 42, Railway Employees'
 { Department, A. F. of L. - C. I. O.
 { (Carmen)
 { Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That the Seaboard Coast Line Railroad Company violated terms of the controlling agreement when they denied Carman C. A. Prine his rights to service on November 22, 1976.
2. That the Seaboard Coast Line Railroad Company be ordered to compensate Carman C. A. Prine for five (5) hours and thirty (30) minutes for November 22, 1976, and eight (8) hours holiday pay for November 25, 1976, at pro rata rate.

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 reported for work on November 22, 1976 two and one-half ($2\frac{1}{2}$) hours late and was denied the right to work his position. The Carrier had called a man to work Claimant's position. The Claimant maintains that he called his foreman and advised him that it would be 5:00 PM or 5:30 PM before he could report rather than his 3:00 PM starting time, at which time the foreman advised him that the late starting time would be acceptable. The Carrier denies that any approval was given claimant to commence work late on the date in question. Because Claimant was not permitted to work on November 22, 1976, he did not qualify for holiday pay on November 25, 1976 for which pay he also makes claim.

We are unable to find any contractual support for claimant's position. Claimant does not have the right to set his own working hours. See Award 7551 between the same parties. Further, the claimant has failed to prove that permission was granted for him to commence work $2\frac{1}{2}$ hours late.

We will deny the claim.

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Award No. 8044
Docket No. 7873
2-SCL-CM-'79


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 15th day of August, 1979.