

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.
((Firemen & Oilers)
(
(Seaboard Coast Line Railroad Company

Dispute: Claim of Employee:

1. That under the Current and Controlling Agreement, Laborer James W. Gundy was unjustly dismissed from the service of Seaboard Coast Line Railroad Company at Baldwin, Florida on July 15, 1977, after a formal investigation was held in the office of Master Mechanic, on July 1, 1977, by Mr. W. P. Mincey, Asst. Master Mechanic.
2. That accordingly, Laborer James W. Gundy be restored to his assignment at Baldwin, Florida Shops with all seniority rights unimpaired, vacation, health and welfare, hospital and life insurance be paid and be compensated for all time lost, effective July 15, 1977.

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 Claimant was dismissed from the service of the Carrier for being absent from duty with the Carrier without properly reporting off in accordance with rule 19.

The Claimant has initially raised the objection that the hearing was not proper in that the claimant received no notice thereof and hence did not attend.

The claimant's objection is without merit. The Carrier went to great lengths to inform the claimant of the hearing. The claimant's failure to receive the notice was of his own doing and cannot now be raised as a shield against the Carrier's discipline.

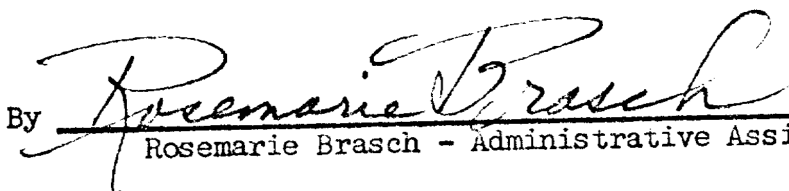
The record reflects a total disregard on the part of the claimant for the rule concerning reporting off for good cause. The Carrier cannot be expected to retain in its employ one who takes his position as lightly as the claimant. The finding of guilt by the hearing officer is well based. The circumstances of this case warrant the penalty of dismissal.

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 14th day of November, 1979.