

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. 76, Railway Employees'  
                          { Department, A. F. of L. - C. I. O.  
                          { (Carmen)  
                          { Chicago and North Western Transportation Company

Dispute: Claim of Employees:

1. Coach Cleaner Melvin Dial was unjustly dismissed from service on May 18, 1977.
2. Coach Cleaner Melvin Dial was erroneously charged with failure to protect his assignment from March 1, 1977 through March 31, 1977.
3. That the Chicago and North Western Transportation Company be ordered to reinstate Coach Cleaner Melvin Dial with seniority unimpaired, compensate him for all time lost at eight hours per day, with his contractual benefits restored, and make him whole for any loss of benefits suffered during the period he is withheld from service, including hospital and medical benefits, life insurance, dental benefits and supplemental sickness benefits in accordance with Rule 35.

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 terminated for failure to protect his position during the period of February 19, 1977 to March 31, 1977. The record indicates Claimant was in contact with the Carrier only once during this period -- 2 - 3 weeks following commencement of his absence. The Carrier contends that such contact did not meet reporting requirements and that the Claimant was advised to either report or furnish sufficient proof of illness, and that he did neither. The Organization asserts that the Claimant met his reporting requirements, that the handling of the Claimant's case was improper and that the hearing was biased. We find no support for this latter contention, but this Board does find sufficient basis to return the Claimant to work on a "last chance" basis. We note a disagreement over the cause of the Claimant's absence; whatever that cause may have been, we alert the Claimant that he has a specific obligation to be regular in attendance. He would do well to avail himself of whatever assistance -- medical or otherwise -- necessary

to insure he overcomes any problems that might be impeding his performance or attendance.

A W A R D

Claim is sustained in part; the Claimant shall be returned to work with no back pay, but his seniority intact.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By Rosemarie Brasch  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 4th day of June, 1980.