

The Second Division consisted of the regular members and in addition Referee M. D. Lyden when award was rendered.

Parties to Dispute: { Brotherhood of Railway Carmen of the United
States and Canada

{ Chicago, Milwaukee, St. Paul & Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Chicago, Milwaukee, St. Paul and Pacific Railroad Company did improperly and unjustly dismiss Carman David Rowland on March 29, 1978 as a result of hearing held on March 14, 1978.
2. That the Chicago, Milwaukee, St. Paul and Pacific Railroad Company be ordered to restore Carman Rowland to service with seniority unimpaired and with compensation in the amount of eight hours pay for each work day starting from March 29, 1978 until he is restored to service.
3. That Mr. Rowland be made whole for all benefits that are a condition of employment, such as, but not limited to, vacation rights, medical, dental and group life insurance benefits.
4. That Mr. Rowland be awarded interest at the 6% rate per annum for any compensation awarded.

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.

The record substantiates that Carman David Rowland failed to protect his assignment as charged. He was given ample opportunity and warning to improve his work record but made no effort to do so. His absence on January 25, 1978, after arriving late for work and then leaving on account of an alleged illness, was not substantiated in testimony by the claimant. The claimant did receive a fair and impartial hearing prescribed by the provisions of Rule 34 (g). Railroad management has the responsibility of supervising its employees and operating the railroad it must be permitted reasonable discretion in the assessment of discipline.

The Chicago, Milwaukee, St. Paul and Pacific Railroad Company did not improperly and unjustly dismiss Carman David Rowland on March 29, 1978 as a result of hearing held on March 14, 1978.

Form 1
Page 2

Award No. 8441
Docket No. 8286
2-CMStP&P-CM-'80

For these reasons, the claim of the employee is denied.

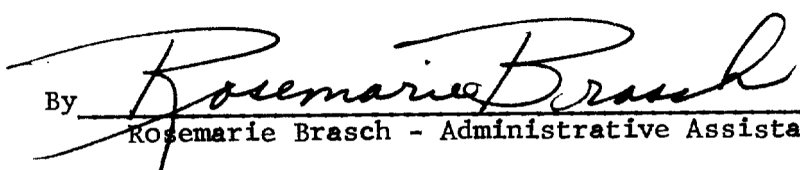
A W A R D

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 24th day of September, 1980.