

The Second Division consisted of the regular members and in addition Referee Thomas V. Bender when award was rendered.

Parties to Dispute: { International Association of Machinists and
{ Aerospace Workers
{ Consolidated Rail Corporation

Dispute: Claim of Employees:

1. That the Consolidated Rail Corporation be ordered to restore Machinist L. D. King to service and compensate him for all pay lost up to time of restoration to service at the prevailing Machinists rate of pay.
2. That Machinist L. D. King be compensated for all insurance benefits, vacation benefits, holiday benefits and any other benefits that may have accrued and was lost during this period, in accordance with Rule 7-A-1 (e) of the prevailing Agreement which was effective May 1, 1979.

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 Claimant in this case, Machinist L. D. King met with his supervisor on March 31, 1980. At that time Mr. King was advised of the procedures to be followed to return to work. Following the interview on March 31, 1980 with General Car Foreman Croucher the Claimant vanished.

The Carrier waited until May 8, 1980, then noticed the Claimant for an investigation based on his failure to come to work; A.W.O.L. if you prefer. The Carrier sent the notice certified mail, it did not reach the Claimant. The Carrier made an attempt to call the Claimant but his phone had been disconnected. The Carrier also tried contacting members of the Claimant's family. None of these efforts paid dividends.

Following the investigation, the Carrier terminated the Claimant.

This Referee has no patience for employes who carelessly neglect to protect a job. Based on the record the Carrier made an honest effort to find the Claimant and that is all that is required. This Board cannot allow an employe to avoid

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an investigation and/or discipline simply by vanishing for a few days. Such has been the rule on this and other Divisions. And, if the Carrier has made all reasonable efforts to find the Claimant, an investigation may be held in absentia. Both rules are axiomatic and require no citation.

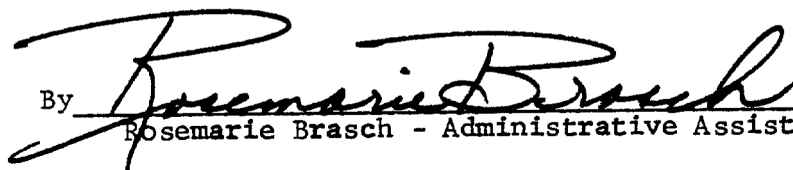
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 9th day of June, 1982.