

The Second Division consisted of the regular members and in addition Referee David P. Twomey when award was rendered.

Parties to Dispute: (International Brotherhood of Firemen and Oilers
(Consolidated Rail Corporation

Dispute: Claim of Employees:

1. That, in violation of the current agreement, Laborer R. Dollney was unjustly dismissed from service of the Carrier following trial held in absentia on July 16, 1980.
2. That, accordingly, the Carrier be ordered to make the aforementioned R. Dollney whole by restoring him to Carrier's service with seniority rights unimpaired, made whole for all vacation rights, holidays, sick leave benefits, and all other benefits that are a condition of employment unimpaired, and compensated for all lost time plus ten (10%) percent interest annually on all lost wages, also reimbursement for all losses sustained account of coverage under health and welfare and life insurance agreements during the time he has been held out of service.

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, Mr. Raymond R. Dollney, was employed as a Laborer at the Carrier's Collinwood Diesel Terminal, Collinwood, Ohio. Mr. Dollney had not performed any service for the Carrier since March 26, 1980. As a result the Shop Manager sent Claimant a letter dated June 9, 1980 informing him to arrange to take a medical examination on June 16, 1980, and further, if there was some reason that he could not take the physical, he was to notify the Shop Manager of the reason and arrange for a date and time for rescheduling the examination.

Mr. Dollney did not report for the medical examination; and he neither gave any reason for his absence nor arranged for a date and time for rescheduling the medical examination. Inquiry to his personal physician revealed he had been released for return to work on March 25, 1980, after having a foreign object removed from his eye. As a result, Mr. Dollney was sent a Notice of Trial, dated July 2, 1980, informing him to arrange to attend a Trial on July 16, 1980, in connection with the following charge:

"Failure to comply with letter of instructions issued by Shop Manager on June 9, 1980 directing you to report to Dr. Abello's office on June 16, 1980 at 11:15 A.M."

After a delay the trial was held on the day scheduled in absentia since Mr. Dollney did not request a postponement, and did not appear at the scheduled time. Following the trial, Mr. Dollney was sent Notice of Discipline, informing him that he had been assessed the discipline of "Dismissal in all capacities".

We have reviewed the record in this case and conclude that the Carrier was fully justified in dismissing Mr. Dollney in all capacities as a result of the trial conducted on July 16, 1980. The claim is denied.

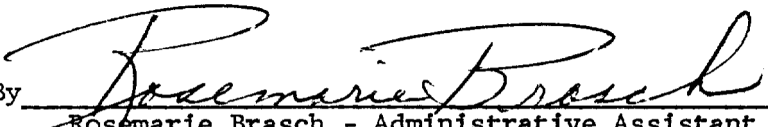
A W A R D

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 15th day of June, 1983.