

The Second Division consisted of the regular members and in addition Referee Robert W. McAllister when award was rendered.

PARTIES TO DISPUTE: (International Association of Machinists and
(and Aerospace Workers
(
(Southern Pacific Transportation Company

DISPUTE: CLAIM OF EMPLOYES:

"Claim in favor of Machinist G. R. Phrampus for reinstatement and compensation at the pro rata rate of pay for each day he is held out of service commencing July 4, 1981, due to Carrier's violation of Rules 19 and 34 of the controlling Agreement effective April 15, 1967, as amended."

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 employes 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 were given due notice of hearing thereon.

The Claimant was dismissed from service for violation of Rule 810 in that he failed to report for duty at the prescribed time and place on May 16, 18, 31, 1981. The Organization acknowledges the Claimant had personal problems which adversely affected his work performance. Nevertheless, the Organization asserts the Claimant was ill during the period in question and Carrier failed to grant Claimant a leave of absence to take care of his personal business.

Review of the record establishes the Claimant had personal problems. He also failed to report for duty as charged. Despite the charge, he was denied a leave of absence, the record indicates otherwise. This Claimant had an obligation to report to work on time and work his scheduled hours. His personal problems did not relieve him of that duty. The Carrier's action is supported by substantial evidence. Considering his past record, we find no basis upon which to disturb the penalty imposed.

A W A R D

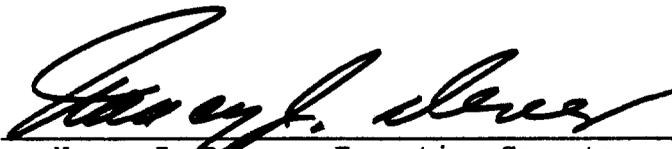
Claim denied.

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Award No. 9728
Docket No. 9818
2-SPT-MA-'83

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST:



Nancy J. Lever - Executive Secretary

Dated at Chicago, Illinois, this 30th day of November 1983.