

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr., when award was rendered.

Parties to Dispute: (Sheet Metal Workers' International Association
(District Council 114
(Southern Pacific Transportation Co.

Dispute: Claim of Employees:

- (1) That dismissal of claimant R. B. Tolerson was too severe.
- (2) That claimant be restored to duty with all seniority rights unimpaired.
- (3) Compensate claimant for all time lost over 30 days, as result of being unjustly 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 employe or employees 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 waived right of appearance at hearing thereon.

Claimant was subject to an investigative hearing in reference to his "irregular attendance record" from February 1 through March 15, 1980. Although he acknowledged receipt of the notice of hearing, the Claimant failed to appear.

As presented in the hearing record, the Claimant was absent for 28 scheduled days during the cited six-week period. While some of these dates were recorded as absence for illness or personal business, the Claimant was absent without leave on four days in February and for the entire first half of March. The Carrier reasonably concluded that he had abandoned his position, and the formal penalty of dismissal was warranted. The degree of penalty is further substantiated by the fact that the Claimant's record shows two previous dismissals with reinstatements on a leniency basis.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST:


Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 30th day of May, 1984