

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISIONAward No. 10194  
Docket No. 10114  
2-L&N-FO-'85

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

Parties to Dispute: ( International Brotherhood of Fireman and Oilers  
(  
( Louisville and Nashville Railroad Company

Dispute: Claim of Employees:

1. That under the current and controlling agreement, as amended, Service Attendant M. W. Williams, I. D. No. 111382, was unjustly suspended from the service of the Louisville and Nashville Railroad Company, commencing January 14, 1982, through February 22, 1982, inclusive, after a formal investigation was conducted by Mr. J. F. McNary, Asst. Departmental Foreman of Personnel.
2. That accordingly, Service Attendant M. W. Williams be compensated for all lost time, vacation, health and welfare benefits, hospital and life insurance and dental insurance premiums be paid effective January 14, 1982, through February 22, 1982, and the payment of 6% interest rate be added thereto.

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 waived right of appearance at hearing thereon.

The dispute came about after the Claimant was charged and found guilty of not protecting his assignment on seventeen (17) days during the latter part of calendar year 1981. On the finding of guilt, the Carrier assessed the penalty consisting of a thirty (30) working day suspension.

The Organization essentially contends that the Claimant marked off for reasons of sickness. It does not dispute that he did not call in each day after the initial mark off. However, it maintains that this was because his Doctor had not released him to return to work and he did not consider it necessary to again contact the Carrier. Accordingly, he should not now be penalized.

While the Organization's arguments are not without merit, under the circumstances and evidence of record herein, we have no basis to disturb the Carrier's decision.

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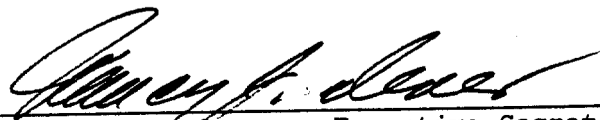
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A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 9th day of January 1985.