

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

Parties to Dispute: ( International Brotherhood of Firemen and Oilers  
( The Western Pacific Railroad Company

Dispute: Claim of Employees:

1. That in violation of the curent (sic) agreement Firemen and Oiler G. F. Garrett, was unjustly suspended on June 30, 1980, and dismissed from the service of the Carrier on July 28, 1980.
2. That accordingly, the Carrier be ordered to make the aforementioned G. F. Garrett, whole by restoring him to Carrier's service with seniority rights unimpaired, plus restoration of all holidays, vacation, health and welfare benefits, pass privileges and all other rights, benefits and/or privileges that he is entitled to under rules, agreements, custom or law and compensated for all lost wages. In addition to money claimed herein, the Carrier shall pay the Claimant an additional amount of 6% per annum compounded annually on the anniversary date of this claim.

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 Claimant had voluntarily accepted an assessment for 45 days' disciplinary suspension for his share of responsibility of damage to two locomotives. His suspension was from April 28 to June 11, 1980. He was specifically advised to return to duty on June 12, 1980. He failed to report on this date, and he made no contact with the Carrier until June 26, 1980, when he stated he was unavailable to return to work.

Claimant was subject to an investigative hearing which fully substantiated these facts and provided no explanation for his failure to report to work or advise the Carrier for a period of 14 days.

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As a result, the Carrier dismissed the Claimant from service. During his brief employment, he had been subject to a 45-day suspension, referred to above, as well as a previous 15-day disciplinary suspension. The failure to report for work for an extended period was a serious offense, and the degree of penalty is supported by his previous disciplinary record.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 17th day of July 1985.