

The Second Division consisted of the regular members and in addition Referee Paul C. Carter when award was rendered.

(International Brotherhood of Electrical Workers
Parties to Dispute: (
(Chicago, Milwaukee, St. Paul and Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Chicago, Milwaukee, St. Paul and Pacific Railroad Company violated the current agreement when it unjustly and unfairly dismissed Electrician T. Johnson, Jr. from service on February 25, 1985 for alleged excessive absenteeism and making an alleged false statement in the transcript of a formal hearing held on January 3, 1985.

2. That the Chicago, Milwaukee, St. Paul and Pacific Railroad Company be ordered to make Electrician T. Johnson, Jr. whole by reinstating him to service with all of his seniority and other rights unimpaired, compensating him for all lost wages (including 18% A.P.R. interest thereon) and benefits and clearing his record.

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 record shows that Claimant was dismissed from Carrier's service on February 25, 1985, following an Investigation conducted on January 30, 1985.

Based upon our review of the record, we find that discipline against Claimant was warranted; however, permanent dismissal was excessive. We will award that Claimant be restored to service with seniority and other rights unimpaired, but without any compensation for time lost while out of service. Claimant should understand, however, that his work attendance record is expected to improve.

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Award No. 11129
Docket No. 11231
2-CMSP&P-EW-'87

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Levey - Executive Secretary

Dated at Chicago, Illinois, this 7th day of January 1987.