

The Second Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

Parties to Dispute: (Sheet Metal Workers International Association  
(  
(Chesapeake and Ohio Railway Company  
(Southern Region)

Dispute: Claim of Employees:

1. That under the Current Agreement, Sheet Metal Worker Robert L. Aldridge, Huntington, WV, was unjustly discharged from service on February 27, 1985.
2. That accordingly, the Carrier be ordered to re-instate the aforementioned employee to service with all rights un-impaired including seniority, vacation, health & welfare benefits and life insurance.

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

On August 17, 1984, Claimant laid off after working four hours. No contact was had with Claimant until August 27, 1984, when Claimant called Plant Manager R. Lilly and stated that he was in a hospital undergoing treatment for nerves. Lilly advised Claimant to notify the Carrier when he was released and a return to duty physical would be arranged. On September 7, 1984, Claimant's mother called Lilly and advised him that Claimant would report to work on September 10, 1984. Claimant did not do so. On September 11, 1984, Claimant's mother informed Lilly that Claimant had returned to the hospital. On September 18, 1984, after no further contact was had with Claimant, a show cause letter was sent to Claimant. On September 24, 1984, Claimant called Lilly and stated that he was in a 30 day alcohol treatment program. Lilly told Claimant not to worry about the show cause letter but to report back to work with his release as soon as he completed the program.

On October 24, 1984, Claimant was given a return to duty physical and was cleared for a return to work set for November 15, 1984. Claimant did not report at the designated starting time. Lilly spoke to Claimant and advised him that he had to report on November 19, 1984. However, Claimant did not do so. Claimant called Lilly and stated that he would like to report on November 26, 1984. Lilly agreed indicating that some disciplinary action would be required. Claimant did not appear on that date as well. The instant charges issued on December 3, 1984, charging Claimant with being absent without permission since November 19, 1984. After Hearing on January 17, 1985, Claimant was dismissed from service by letter dated February 27, 1985.

We find substantial evidence in the record to support the Carrier's determination to impose discipline. Although Claimant stated that personal problems were the cause of his difficulties, there is nothing in this record to suggest that Claimant could be relied upon to report for duty as required. Second Division Award 9465. Nor can we say that the Carrier's imposition of discipline was arbitrary or capricious. We note that Claimant was previously dismissed and reinstated on a leniency basis. We find no basis to alter the Carrier's actions in this matter.

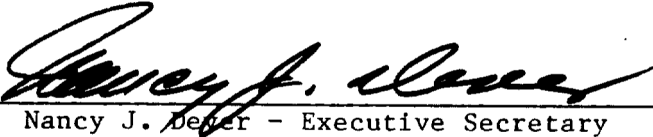
In light of the above, we find it unnecessary to address the other arguments raised by the Carrier.

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 15th day of July 1987.