

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13177

Docket No. 13147

97-2-96-2-48

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

(National Conference of Fireman & Oilers

PARTIES TO DISPUTE: (

(Soo Line Railroad Company

STATEMENT OF CLAIM:

- “1. Under the current controlling Agreement, Mr. M. Baker, Laborer, Chicago, Illinois, was unjustly dealt with when suspended for a period of thirty (30) days (June 24, 1995 through August 2, 1995), following a hearing held on June 1, 1995.
2. That accordingly, the Soo Line Railroad Company (CP Rail System) be ordered to compensate Mr. Baker for all time lost at the pro rata rate and the mark removed from 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 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 were given due notice of hearing thereon.

Claimant was suspended for 30 days as a result of an investigation held on June 1, 1995. Claimant was found to have failed to protect his assignment on numerous occasions.

The Organization takes the position that the Claimant did not willfully violate the rules, and had various reasons for being late to or for missing work.

A review of the transcript reveals the Claimant received a fair and impartial hearing. The transcript shows the Claimant was given a warning letter about absenteeism on December 20, 1994. However, it also shows the Claimant continued to be late for or miss work entirely.

There is no basis to charge the discipline assessed.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 29th day of October 1997.