

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13360

Docket No. 13233

99-2-96-2-145

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

(International Association of Machinists and
(Aerospace Workers (District 19)

PARTIES TO DISPUTE: (

(Consolidated Rail Corporation

STATEMENT OF CLAIM:

“That Consolidated Rail Corporation arbitrarily and capriciously dismissed Machinist Perry Reddick following trial held in absentia on December 6, 1995.

Accordingly, Machinist Perry Reddick should be immediately restored to service, paid for all time lost, including overtime, be credited for any and all fringe benefits that would have accrued had not the unjust discipline been imposed, and have his record cleared of any reference to the charges.”

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.

Carrier dismissed the Claimant from its service on December 15, 1995 as a result of an Investigation held on December 6, 1995. Claimant was found to be absent without permission on September 2 and 3, 1995 and was also guilty of excessive absences.

The record in this case indicates the Investigation was originally scheduled for September 14, 1995. After several postponements the Investigation was finally held on December 6, 1995. Claimant signed for all letters pertaining to the Investigation. However, Claimant failed to attend the Investigation.

The Carrier proved its charges against the employee. Claimant began service with the Carrier on June 22, 1976. Claimant was furloughed on February 18, 1981 and then recalled to service on October 12, 1994. Prior to being furloughed, Claimant had been disciplined five times for excessive absenteeism. Since returning to work this action is the fourth for absenteeism.

The Claimant received a fair and impartial Hearing and there is no reason for this Board to disturb the action of the Carrier.

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 23rd day of February 1999.