

The Second Division consisted of the regular members and in addition Referee David P. Twomey when award was rendered.

Parties to Dispute: (System Federation No. 21, Railway Employees'
(Department, A.F. of L. - C.I.O. - Carmen
(
(Southern Railway Company

Dispute: Claim of Employees:

- 1. That under the current Agreement, Carman D. G. Woodall, Macon, Georgia was improperly dismissed from service on November 11, 1973.
- 2. That accordingly, the Carrier be ordered to return Carman D. G. Woodall to service with pay for all time lost beginning November 11, 1973 and with all rights due him under the Agreement unimpaired.

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 employe 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.

The Claimant was charged with excessive absenteeism and failure to protect his assignment in compliance with Rule 21 of the Agreement. An investigation was held and he was found guilty of the charges and dismissed from service. We find from the entirety of the record that the investigation was fair and impartial, we find that the Claimant was guilty of the charges. However, we feel that the penalty of dismissal is excessive in this case. We shall reinstate the Claimant without back pay, but with seniority rights unimpaired. The Claimant must understand that he is being given one last and final chance to correct his improper conduct. The Claimant is hereby required to maintain a reasonable attendance record, to arrive at work on time, to complete his daily assignments and to be a dependable employee of the Carrier. In light of past warnings and discipline, Carrier need no longer tolerate late arrival for work, marking off early and failure to show up for duty. We require that the Claimant, along with his representative, meet with his immediate supervisor and discuss exactly what are the Claimant's

responsibilities to the Carrier, under what limited circumstances may he reasonably be absent from an assignment and what are the call-in procedures in effect on the property should a proper situation occur. We hope that the discipline imposed has served a corrective purpose. We expect the Claimant to fully live up to his obligation to his job.

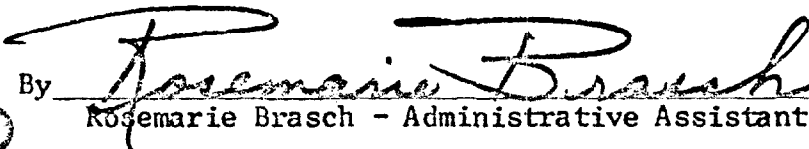
A W A R D

Claim sustained as per Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 12th day of December, 1975.