

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

Parties to Dispute: (Sheet Metal Workers' International
Association
(
(Denver and Rio Grande Western Railroad Company

Dispute: Claim of Employees:

Question at Issue:

- A. Dismissal of Sheet Metal Worker, Mr. Manuel A. Martinez.
- B. 1. That Mr. Martinez be returned to service, with seniority rights unimpaired.
2. Compensate Mr. Martinez for all time lost.
3. Make Mr. Martinez whole for all vacation rights.
4. Pay the Hospital Association Dues, for surgical and Medical Benefits for all time held out of service.
5. Pay the Premiums for Group Life Insurance for all time held out of service.
6. Pay all Travelers premiums under GA 23000, for all time held out of service.

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.

In August of 1975 claimant absented himself from duty. On August 26, 1975 claimant was sent a certified letter, return receipt requested, notifying him that his presence was requested at a formal investigation on the charge of absenting himself from duty. The receipt was returned signed by claimant.

On September 2 the investigation was held but claimant did not attend.

The transcript of the investigation establishes that evidence was presented sufficient to support the charge against claimant. The charge was sustained and claimant was dismissed.

This Board has held many times that absenteeism is a proper basis for dismissal. The refusal of the claimant to attend the investigation to defend himself was done at his own peril.

We find no basis for the claim.

It is unnecessary to consider the many procedural questions raised in that the merits of the case have been decided.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 5th day of July, 1977.