

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

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

Dispute: Claim of Employees:

1. That the Southern Railway System removed Telephone Maintainer H. W. Bohannon Jr. from service without just and sufficient cause and in so doing deprived him of his rights to earnings from February 4, 1975, until such time as he is restored to service.
2. That accordingly, the Southern Railway System be ordered to restore Telephone Maintainer H. W. Bohannon Jr. to service and compensate him in the amount of all salary lost between February 4, 1975, until such time as he is restored to service, also that Carrier be ordered to restore his full rights and privileges, such as seniority, vacation, insurance and any other benefits, 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.

On January 29, 1975 Claimant, a telephone maintainer, and another telephone maintainer were working on their maintenance territory near Rome, Georgia. They were instructed by their supervisor to report the following day with additional clothing prepared to work the next couple of days in the area near Chattanooga where intermittent trouble was occurring. Both were instructed by the supervisor to remain overnight at a motel in the Chattanooga area in order to complete inspections before the weekend. Claimant did not stay in the Chattanooga area the following evening (January 30, 1975) as instructed. Instead he returned to Rome, Georgia, ostensibly for the purpose of getting his clothes. An emergency situation arose that same evening and Claimant could not be reached even though several calls were made at the motel in Rome where Claimant resided. The following morning (January 31)

Claimant called his supervisor and told the supervisor that he had spent the previous night with a friend. When Claimant was asked why he failed to follow instructions and stay in the Chattanooga area, he replied that what he did after 5:00 p.m. was none of Carrier's business.

Claimant was dismissed from Carrier's service. After investigation and hearing, the dismissal was upheld. The Board finds that substantive evidence of probative value supports the action taken by Carrier. The procedural objections raised by the Organization are without merit. Given Claimant's prior record, there is no basis for disturbing Carrier's discipline.

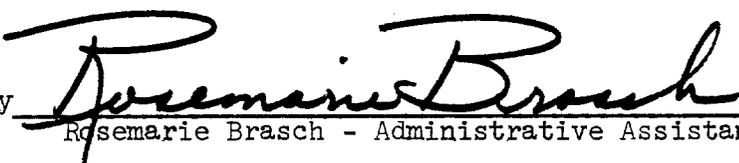
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 6th day of January, 1978.