

The Second Division consisted of the regular members and in addition Referee Arthur T. Van Wart when award was rendered.

Parties to Dispute: (System Federation No. 114, Railway Employees'
(Department, A. F. of L. - C. I. O
((Firemen & Oilers)
(
(Southern Pacific Transportation Company

Dispute: Claim of Employees:

1. That under the current agreement Firemen and Oiler Francisco Williams, was unjustly suspended from duty effective March 14, 1977, for a period of forty-five (45) days.
2. That accordingly, the Carrier be ordered to:
 - (a) Compensate him for all time lost and with payment of 6% interest added thereto.
 - (b) Reinstate all vacation rights to the aforesaid employee.
 - (c) Pay employee's group medical insurance contributions, including group medical disability, dependents' hospital, surgical and medical and death benefits premiums for all time that the aforesaid employee was 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.

Claimant on January 29, 1977 was regularly assigned as a Laborer, 11:00 p.m. to 7:00 A.M., in Carrier's Mechanical Department's facility, West Colton, California. He reported for duty at 12 midnight on January 29, 1977. After a search for Claimant on the premises had been made, he was found to be missing from around 1 A.M. until 3 A.M. and that his van was also missing from the parking lot. Claimant told the General Foreman that he had been asleep in a locomotive unit on the service track and that he left the property to get medication for a headache.

Claimant was given a formal investigation for such absence as well as his absence on 5 other occasions, and for being late for duty fourteen (14) times, November 1, to January 30, 1977. As a result thereof Claimant was adjudged guilty as charged and received a forty-five (45) day suspension as discipline therefor.

Claimant received a fair and impartial hearing. Sufficient evidence was adduced, including Claimant's admissions, to support Carrier's conclusion as to his culpability.

Carrier gave consideration to Claimant's plea, that family problems were the causative factor in his absenteeism and tardiness problems, and that such problems had now been corrected and that Claimant would be responsive to his obligation to properly protect his assignment, when it assessed the reasonable discipline herein. We find no cause for any change thereof.

While the Board notes there is no basis for rule support shown for part 2(a) and (c) of the Claim filed herein the claim in its entirety is denied.

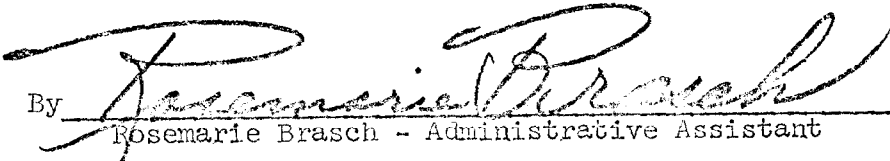
A W A R D

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 20th day of December, 1978.