

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute:

(International Association of Machinists
(and Aerospace Workers
(
(Washington Terminal Company

Dispute: Claim of Employees:

1. That the Washington Terminal Company arbitrarily and capriciously dismissed Machinist Apprentice R. M. McElveen from service on December 1, 1977, as a result of a hearing held on November 30, 1977.
2. Accordingly, Machinist Apprentice R. M. McElveen should be restored to service as a Machinist Apprentice in good standing and his record cleared of any reference to the hearing held on November 30, 1977.

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 employees 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 waived right of appearance at hearing thereon.

Claimant, employed on July 15, 1976, was enrolled by the Carrier in the Machinists' Apprenticeship Training Program with the Railway Educational Bureau on November 8, 1976. This program is an integral part of the apprenticeship training program agreed to by the Carrier and the Organization through an apprenticeship training program dated April 1, 1975. Section 4 (d) of this agreement reads in part:

"... Progress in connection with the Railway Educational Bureau Program will not be considered satisfactory if the apprentice becomes more than three months behind in completing his lessons or if the apprentice becomes more than three months behind in reworking lessons graded at less than 75%; but illness or other causes beyond the control of the apprentice will be taken into consideration.

"An apprentice dismissed from service solely because of unsatisfactory progress in technical training will be reinstated if he submits all lessons in arrears in satisfactory condition to the apprentice supervisor within 10 working days after his dismissal."

Claimant fell woefully behind in completing his correspondence lessons almost from the outset of the program. After a warning and later an investigative hearing, Claimant was initially dismissed from service on October 12, 1977. Two days later, he advised the Master Mechanic that he had completed all overdue lessons and was mailing them to the Educational Bureau. On the strength of this statement, he was reinstated. It later developed, however, that the Claimant had, in fact, not submitted all overdue lessons, as further reports from the Educational Bureau continued to report Claimant behind schedule. Consequently, after a further hearing, Claimant was dismissed from service on December 1, 1977, for failing to maintain satisfactory progress in the training program.

Some months after the investigative hearing and subsequent dismissal, several letters were produced by the Claimant from the Educational Bureau indicating that he had brought his work up to date. Owing to the delay in the presentation of these letters, there can reasonably be presumed to be some doubt as to their probity. Even if accepted at face value, however, they do not address to the fact that Claimant failed to keep up with his work in the training program, even after being warned and previously dismissed and reinstated.

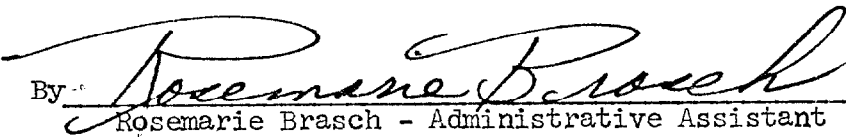
The Carrier acted within the terms of the apprenticeship agreement, after giving the Claimant an entirely reasonable opportunity to correct his ways.

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 27th day of June, 1979.