

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

Parties to Dispute: { System Federation No. 1, Railway Employees'
 { Department, A. F. of L. - C. I. O.
 { (Boilermakers)
 { Consolidated Rail Corporation

Dispute: Claim of Employees:

1. That Boilermaker W. Blanchard, was improperly dismissed from service following investigation held on July 5, 1978.
2. That accordingly the Carrier be ordered to reinstate the aforementioned Boilermaker to service with all seniority rights unimpaired, all lost wages, Health and Welfare, Life Insurance, Vacation and Holiday pay now in effect and any additional benefits that may be negotiated as a result thereof until he is restored to 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 was assigned as a Boilermaker and Welder, having been employed by the Carrier since July 28, 1975. An investigative hearing was held to determine the causes of Claimant's unsatisfactory attendance record which the Carrier alleged to be in violation of the 40-hour work week provision in Rule 1, Paragraph "B".

Notice of the hearing was mailed in the usual fashion to the Claimant, and the receipt of same was acknowledged by someone with the same last name at the same address. Claimant had been on the Carrier's property one week prior to the scheduled day of the hearing but failed to appear at the hearing or to request a postponement thereof.

At the hearing, there was no dispute to the information entered on the record to the effect that the Claimant was absent on 30 days, late on six days, and left early on one day during a 3½-month period.

Claimant's prior disciplinary record shows a 10-day record suspension and a 30-day actual suspension for poor attendance.

Under the circumstances, the Board can see no reason to interfere with the Carrier's determination to find the employe in violation of the duty of satisfactory attendance, warranting his dismissal from service.

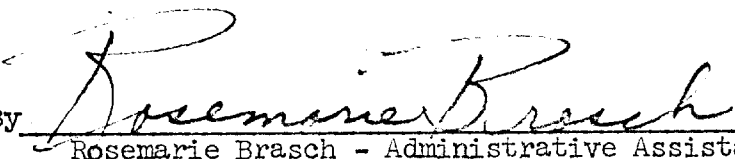
A W A R D

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 16th day of January 1980.