

Parties to Dispute: ( Sheet Metal Workers' International Association  
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( Illinois Central Gulf Railroad Company

That the Carrier would immediately reinstate Pipefitter Deno Lale and compensate him for all time lost beginning from January 18, 1978, the days he was improperly withdrawn from service, make him whole for seniority rights, vacation rights, sick benefits, health and welfare and life insurance benefits and any other benefits he would be due had he not been improperly dismissed from the service of the Carrier.

At the outset, the Organization seeks to taint the record of the investigation by asserting that the hearing officer was biased in that he failed to ask questions which would establish the facts necessary to make an objective decision. The transcript reveals that the Organization had four representatives present. After the testimony of each witness, they were interrogated individually regarding questions they might have to ask the witness. Their responses were generally in the negative although a few questions were posed. At the close of the investigation, Mr. Lale and four representatives stated they had no complaint relative to the manner in which the hearing was conducted. Having had ample opportunity to interrogate witnesses during the investigation, the Organization cannot now raise a defense that necessary questions were not posed.

This Board finds that the investigation was conducted in accordance with statutory requirements and past practice. All parties were given opportunity to present any evidence they deemed appropriate.

There is little disagreement with respect to the facts in this case. Mr. Lale was scheduled to work from 3:00 P.M. to 11:00 P.M. on the date in question. He testified that he didn't plan to work the entire day when he arrived at work. He contacted the General Foreman shortly after arrival and told him that he was going home to attend a family reunion. Claimant was informed that he was needed in "F" building and that he did not have permission to leave. Mr. Lale reported to "F" building where he was informed by Mechanical Foreman Butler that a Hostler was bringing in some engines which he needed him to split. At the time the engines were coming into the building, claimant informed the foreman that he had to leave. He clocked out at 4:00 P.M. and left for the day.

There is some confusion with respect to the understanding between claimant and the mechanical foreman. It is clear, however, that he left without permission and did not accomplish the work assigned in building "F".

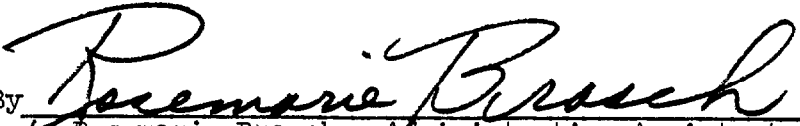
The importance of following directives from Supervisors and the requirement to obtain permission before leaving work are so well understood by the parties that we need not burden the record. Clearly, disciplinary action was warranted. Based on the entire record this Board is not convinced that the Capital punishment of industrial relations is appropriate. Claimant has suffered considerable financial loss which it is hoped will be remedial in nature. We will return him to work without pay for the time lost. In so doing we admonish claimant that his transgressions are of a serious nature. He must show more responsibility as an employee or suffer more severe consequences.

A W A R D

Claimant will be returned to service with the carrier without pay for time lost but with seniority unimpaired.

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 April, 1980.