

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

Parties to Dispute: { International Brotherhood of Firemen & Oilers
{ Illinois Central Gulf Railroad Company

Dispute: Claim of Employees:

1. That Laborer F. T. Worlds was unjustly disciplined from November 7, 1978 through January 29, 1979.
2. That accordingly, the Illinois Central Gulf Railroad be ordered to compensate Laborer F. T. Worlds for all time lost during that sixty (60) days suspension plus 6% annual interest, with seniority rights, vacation rights and all other benefits that are a condition of employment, unimpaired. Further that Laborer Worlds be reimbursed of all lossess sustained account loss of coverage under Health and Welfare and Life Insurance Agreements during the time 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 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 waived right of appearance at hearing thereon.

Claimant was given a disciplinary suspension of 60 working days upon the Carrier's finding that he "violated company rules when you absented yourself without proper authority at 7:30 a.m., Monday, November 6, 1978". This followed an investigative hearing, which the Board finds was conducted in a fair and proper manner.

The record shows that the Claimant reported for work as of 7:00 a.m. on November 6, 1978, having just returned from an absence for illness. The Claimant was given his time card, and there was apparently no question that he was about to start the day's work. He did ask permission of the Assistant Shop Superintendent to leave work and attend a funeral, although no time for his departure was stated. The Assistant Shop Superintendent testified at the hearing that he understood this to be a funeral at 2:00 p.m., while the Claimant testified that he was intending to go to two funerals, one at 1:00 p.m. and another at 2:00 p.m.

The fact remains that the Claimant left work at 7:30 a.m., only one half hour after he had arrived; he failed to advise his supervisor at the time of his departure; he admitted writing in eight hours on his time card, which would indicate a claim for eight hours' pay for the day; and he failed to punch out his time card when he left.

There is no basis to question the Carrier's judgment in finding that the Claimant had failed to meet the well understood requirements of attendance at work until and unless specifically excused. The 60-day disciplinary penalty is not unreasonable, especially in view of previous disciplinary penalties in the Claimant's record.

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 3rd day of December, 1980.