

The Second Division consisted of the regular members and in addition Referee George S. Roukis when award was rendered.

Parties to Dispute: { International Association of Machinists and Aerospace Workers
{ Southern Railway Company

Dispute: Claim of Employees:

1. That under the current agreement, Machinist A. J. Adkinson, Jr., Atlanta, Georgia, was unjustly held out of service beginning March 1, 1978 through August 28, 1978.
2. That accordingly, the Carrier be ordered to reimburse the aforesaid employe for all time lost beginning March 1, 1978 through August 28, 1978 with all rights unimpaired.

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.

A preliminary investigation was held on February 17, 1978 to determine whether Claimant was excessively absent and tardy during the preceding 22 work days. Specifically, his attendance record shows that he was absent eight days during this period, of which there is no record that he reported off on three of these days, that he was late five days and that he checked off early on one day.

The General Foreman, who conducted this investigation, concluded that he was guilty of excessive absenteeism and tardiness and issued a four day suspension. The Local Chairman then requested a formal investigation consistent with Agreement Rule 34 and a hearing was held on February 27 and March 1, 1978 to ascertain denovo the facts and circumstances vis these charges. On March 16, 1978, the Shop Manager apprised Claimant that the investigative record supported the specifications and issued a notice of dismissal effective that date. This disposition was appealed on the property and Claimant was subsequently restored to service on August 29, 1978 on a leniency basis. The claim now before us relates to the propriety of the charges and the time he was kept out of service, to wit, March 1 - August 28, 1978.