

The Second Division consisted of the regular members and in addition Referee David H. Brown when award was rendered.

Parties to Dispute: (International Brotherhood of Firemen & Oilers
(Consolidated Rail Corporation

Dispute: Claim of Employees:

1. That, in violation of the current agreement, Laborer F. Shields was unjustly suspended and dismissed from service of the Carrier following a trial held on March 7, 1979.
2. That, accordingly, the Carrier be ordered to make the aforementioned F. Shields whole by restoring him to Carrier's service, with seniority rights unimpaired, made whole for all vacation rights, holidays, sick leave benefits, and all other benefits that are a condition of employment unimpaired, and compensated for all lost time plus ten (10%) percent interest annually on all lost wages, also reimbursement for all losses sustained account of coverage under health and welfare and life insurance agreements during the time he has been 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.

At a trial held on March 7, 1979, pursuant to proper notice issued to Claimant, Mr. Shields was found to have been absent from his job without authority on the following dates:

January 2, 3, 5, 8, 9, 10, 15, 16, 17, 18, 19, 22, 23, 25,
26, 29, 30, 1979 and February 5, 8 and 9, 1979.

Mr. Shields claimed that he was sick during the first two weeks of January and was thereafter unable to get to work because of the excessive snow on the ground during such period. Prior to his trial he had not claimed illness during any of the time off from work.

We have studied the record and must conclude that Claimant was given a fair trial and that his termination was justified. Although he had been working for Carrier only three years and seven months, Mr. Shields had been disciplined twice previously for excessive absenteeism and once for leaving work without permission. Carrier is entitled to employees with a stronger sense of duty than that demonstrated by Mr. Shields.

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
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 26th day of August, 1981.