

The Second Division consisted of the regular members and in addition Referee Paul C. Carter when award was rendered.

Parties to Dispute: { International Brotherhood of Firemen & Oilers
{ Burlington Northern Railroad Company

Dispute: Claim of Employees:

1. That in violation of the current Agreement, Laborer Larry M. Morris, Grand Forks, North Dakota, was unfairly dismissed from service of the Burlington Northern, Inc. effective May 19, 1979.
2. That, accordingly, the Carrier be ordered to make Larry M. Morris whole by restoring him to service with seniority rights, vacation rights, and all other benefits that are a condition of employment, unimpaired, with compensation for all lost time plus 6% annual interest; with reimbursement of all losses sustained account loss of coverage under Health and Welfare and Life Insurance Agreements during the time held out of service; and the mark removed from his record.

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, a laborer, was employed by the Carrier at Grand Forks, North Dakota. On April 18, 1979, he was notified to appear for investigation "for the purpose of ascertaining the facts and and determining your responsibility in connection with your alleged failure to report or call in to the Grand Forks Roundhouse within the specified time on the morning of April 17, 1979, as you were directed by letter written by Foreman E. W. Bock on March 1, 1979 and required by your assignment".

Following a requested postponement by the claimant, the investigation was held on May 4, 1979. It was developed that claimant was serving a 30-day disciplinary suspension and was expected to return to work on April 17, 1979. It was also developed, and claimant admitted, that when served with the letter of discipline, he was told verbally by the Foreman that he was to report back to work on April 17, 1979, or if he was unable to report on April 17, to call the Foreman.