

The Second Division consisted of the regular members and in addition Referee Elliott M. Abramson when award was rendered.

Parties to Dispute: { International Brotherhood of Firemen and Oilers
{ Consolidated Rail Corporation

Dispute: Claim of Employees:

1. That, in violation of the current agreement, Firemen & Oiler George A. Dougherty was unjustly dismissed from service of the Carrier on February 27, 1979.
2. That, accordingly, the Carrier be ordered to make the aforementioned George A. Dougherty whole by reinstating 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%) per cent 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 employee or employees involved in this dispute are respectively carrier and employee 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.

The Claimant, a laborer, whose seniority date is March 24, 1975, was dismissed from service in all capacities on February 27, 1979 due to alleged excessive absenteeism.

At the February 13, 1979 Investigatory Trial the Carrier's contention that the Claimant was excessively absent from his job between March 28, 1978 and December 28, 1978, inclusive, and that he failed to complete his eight hour tour of duty on twenty five occasions between April 3, 1978 and December 22, 1978, inclusive, were substantiated by presentation of a computer run-off taken off daily time cards. Claimant did not present any like, substantial evidence in refutation of Carrier's documentary evidence of unexplained absences. Statements by the Claimant to the effect that he left the job early on certain days because he was sick or because a machine he used to do his work had broken down so that there was no work which could be done, were unsubstantiated and self serving.

The Board also notes that this Claimant had received a prior discipline for unexplained absences. In 1976 he received a reprimand for absences unknown. He also was suspended, for thirty days, for unknown absences during the period September 1976 through January 1977.

Unexplained absences signal disregard of a serious approach to employment responsibilities and make it difficult for the Carrier to operate safely and efficiently. A Carrier certainly can't operate effectively if employees feel free to leave their positions for no good reason. Additionally, the Board also notes that prior disciplinary measures meted out to Claimant do not seem to have produced the desired remedial effect.

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 27th day of January, 1982.