

The Second Division consisted of the regular members and in addition Referee Francis X. Quinn when award was rendered.

Parties to Dispute: { International Brotherhood of Firemen and Oilers  
{ Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That under the Current and Controlling Agreement, Laborer L. N. Phillips was unjustly dismissed from service of the Seaboard Coast Line Railroad Company on May 30, 1978, after a formal investigation was held in the office of Mr. J. W. Griffin, Asst. Master Mechanic on May 19, 1978.
2. That accordingly L. N. Phillips, Laborer, be restored to his regular assignment at Hialeah, Florida, with all seniority rights unimpaired, vacation, health and welfare, hospital and life insurance be paid and compensated for all lost time, effective May 30, 1978.

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 L. N. Phillips was assigned as laborer on third shift in Diesel Shop at Hialeah, Florida. He last worked on April 7, 1978, and beginning on April 8, was absent from his assignment without permission. On May 1, Claimant came to the Diesel Shop to pick up his pay check and when the Assistant General Foreman asked why he had been off work and why he had not contacted the Diesel Shop forces, he replied that he had been called out of town urgently. The only reason he gave was that it was personal. Claimant advised that after his rest days, the following Tuesday and Wednesday, he would return to work. However, he again failed to report for work on Thursday, May 4, 1978. On May 11, he contacted the Diesel Shop by telephone to determine if his time card had been pulled. When advised that it had not, he stated he would report for work the next day, May 12. He failed to do so.

Claimant was properly notified to attend investigation which was held on May 19, 1978. However, he failed to appear at the investigation, but was represented by his Local Chairman. The investigation revealed he was absent without permission and he was dismissed from service by letter dated May 30, 1978.

The Organization filed claim alleging Claimant was unjustly dismissed and requested restoration to service with seniority rights unimpaired, vacation, health and welfare benefits, etc., and pay for all time lost.

A belated assertion that Claimant did not protect his assignment because he was sick was not substantial. No evidence is contained in the investigation to support such an assertion.

A review of Claimant's record reveals that on four (4) occasions since November, 1975 he has been disciplined for absenteeism and violation of Rule 19.

Based on the record we find that Claimant was afforded a fair and impartial hearing, and the discipline administered in this case was not unjust, unfair, arbitrary or capricious.

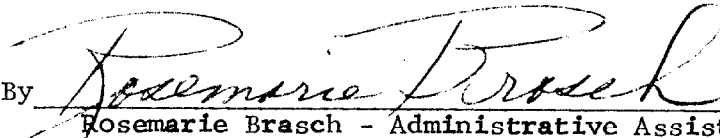
The record in this case clearly shows that Carrier's actions were proper and that Claimant was justly dismissed for failure to protect his assignment.

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 24th day of February, 1982.