

The Second Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

Parties to Dispute: (International Brotherhood of Electrical Workers
(Southern Pacific Transportation Company

Dispute: Claim of Employee:

1. That under the current Agreement, Mechanical Department Electrician Apprentice William J. Brown was unjustly treated when he was dismissed from service on February 3, 1978, following investigation for alleged violation of portions of Rule 810 of the General Rules and Regulations of the Southern Pacific Transportation Company. Said alleged violation commencing on September 8, 1977.
2. That accordingly, the Carrier be ordered to:
 - (a) Restore Claimant Mr. William J. Brown to service with all rights unimpaired including service and seniority, loss of wages, vacation, payment of hospital, medical insurance, group disability insurance, railroad retirement contributions, and loss of wages including interest at the rate of six percent per annum.

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 were given due notice of hearing thereon.

Claimant, Electrician Apprentice William T. Brown, was employed by Carrier in the Locomotive Maintenance Plant in Sacramento, California. On September 8, 1977, Claimant called in and reported off, account personal business. He was on that status until September 16, 1977. He called in on September 19 and reported off sick until further notice. On December 14, 1977, Carrier wrote Claimant about his prolonged absence. The letter was returned by the Postal Service as undeliverable. Carrier thereupon notified Claimant by certified letter that he should report on January 25, 1978 for a hearing into the matter of his continued failure to protect his assignment. This letter also was returned to Carrier as undeliverable, addressee unknown.

Carrier held the hearing as scheduled; Claimant did not attend. The Local Chairman was at the hearing, however, as the record indicates. Carrier found Claimant guilty of failure to protect his assignment--a violation of parts of Rule 810, specifically those portions that read as follows:

"Rule 810: Employees must report for duty at the prescribed time and place...

... Continual failure by employees to project their employment shall be sufficient cause for dismissal."

Claimant was dismissed from service on February 3, 1978. The Organization filed a claim on his behalf. It was denied by Carrier at every step of the procedure and has progressed to the Second Division of the National Railroad Adjustment Board for adjudication. The Organization requested an oral hearing before the Board. That hearing was held and attended by representatives of Carrier and the Organization.

The Organization argues that Claimant properly reported off sick, that he was never properly notified of the hearing called by Carrier, and that he had no chance to defend himself against the charges against him. The Organization requests that Claimant be restored to service and made whole for all lost wages and benefits.

Carrier contends that Claimant abandoned his employment. He reported off sick and then vanished. He was not heard from by either Carrier or the Union for well over one year from the date he was dismissed. Carrier has no obligation to keep a man on the roster who cuts off all contact and refuses to explain his prolonged absence.

The record of this case is unusual. Claimant has, for all practical purposes, abandoned his employment. He last contacted Carrier on September 19, 1977. He apparently moved from his last recorded address without notifying Carrier of his new address or where he could be contacted. This is not rational behavior on the part of any employee who wants his job. Carrier is not obligated to continue in its employment a person who does not appear for work in a four-month period or who does not contact his Employer for over a year and one-half. Claimant has without a doubt abandoned his employment. He cannot now be heard to claim his job back.

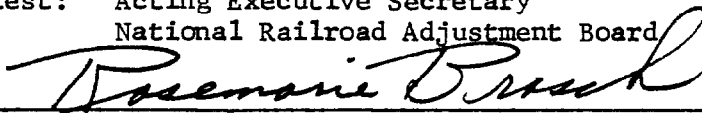
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 30th day of June, 1982.