

The Second Division consisted of the regular members and in addition Referee Steven Briggs 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, Laborer S. W. Wilkins was unjustly dismissed from service of the Carrier following trial held on June 6, 1979.
2. That, accordingly, the Carrier be ordered to make the aforementioned S. W. Wilkins 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 time lost 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 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 joined the Carrier's employ on November 1, 1967, and since then has developed a work record replete with instances of absenteeism and unsatisfactory work performance. He has received four letters of warning regarding his attendance habits (May 3, 1978; June 29, 1978; July 18, 1978; and September 1, 1978). In addition, he has incurred two separate 10-day suspensions for aspects of his work performance.

In connection with the instant matter, the Claimant was absent from his assigned place of service for fifteen days (May 3, 4, 5, 6, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, and 22, 1979). On eleven of these days he did not call the Carrier to report his absence. Furthermore, the Claimant did not attend the trial during which these absences were evaluated, and the Carrier made reasonable attempts to notify him of said trial.

On balance, it appears from the record that the Claimant has demonstrated no interest in maintaining his employment relationship with the Carrier. His unreported absences of May, 1979 are clear and unrefuted. Absent the showing of any mitigating circumstances, it is the conclusion of the Board that some form of discipline was

certainly appropriate. And, in view of the Claimant's overall work record, dismissal is justified. The Carrier made reasonable attempts to salvage this employe, including corrective warning letters and disciplinary suspensions. Its decision to dismiss the Claimant was not, therefore, capricious, arbitrary, or in violation of the controlling Agreement.

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 22nd day of July, 1982.