

The Second Division consisted of the regular members and in addition Referee Robert W. McAllister when award was rendered.

Parties to Dispute: (International Brotherhood of Firemen & Oilers
(Indiana Harbor Belt Railway Company

Dispute: Claim of Employees:

1. That, in violation of the current agreement, Laborer Donald H. Huey was unjustly dismissed from service of the Carrier following trial held on June 3, 1980.
2. That, accordingly, the Carrier be ordered to make the aforementioned Donald H. Huey 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 lost time 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 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.

Laborer Donald J. Huey, the Claimant, had approximately two years of service at the time of his dismissal for excessive absenteeism and violation of Rule 13. On May 29, 1980, the Claimant was advised that a trial would be held in connection with charges which cited thirty days of absence between January, 1980, and May, 1980, and ten violations of Rule 13 during the same period.

This Board's review of the record finds the evidence supports the charges of the Carrier. The Claimant acknowledged he understood the problems created by his failure to come to work. In his defense, personal problems, such as alcoholism, were given as an excuse for the absences. Nothing in the record suggests the Claimant could be relied upon to report for duty as required. There is no basis for disturbing the Carrier's decision. Each Carrier employee has an obligation to work his regular assignment. Rule 13 provides a basis for a Carrier to accommodate an employe unable to report because of illness or accident.

However, this rule requires the employe to notify his general foreman as soon as possible. Such notification was not adhered to by this Claimant, and his concept of convenience is unacceptable. The evidence substantially supports the Carrier's action.

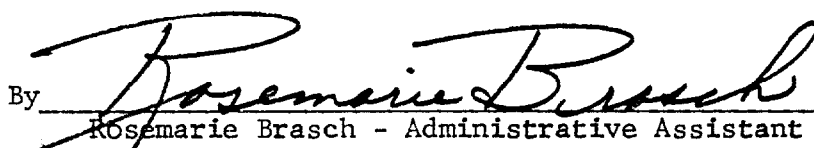
A W A R D

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 4th day of May, 1983.