

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 and Oilers
{ Consolidated Rail Corporation

Dispute: Claim of Employees:

1. That, in violation of the current agreement, Laborer W. R. Stewart was unjustly dismissed from service of the Carrier following trial held on date of September 24, 1980.
2. That, accordingly, the Carrier be ordered to make the aforementioned W. R. Stewart 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 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, W. R. Stewart, is a laborer employed at the Carrier's Buckeye Diesel Terminal (Ohio) with service since March 17, 1975. As a result of a trial held on September 24, 1980, the Claimant was dismissed from the Carrier's employ for being absent without permission or authorization on twelve days in August and September. According to the Carrier, these absences constituted excessive absenteeism.

The Board, having examined the record, finds the testimony establishes the Claimant was absent without permission on the dates contained in the charge. The Claimant's prior record shows the Carrier has, on several occasions, imposed corrective discipline for like offenses. Nevertheless, the Organization contends the Claimant's dismissal to be an extreme form of discipline. Absenteeism is a continuing problem for this industry. In weighing the needs of the Carrier to rightfully expect employees to report to their assignments as scheduled against this Claimant's past and present actions, this Board is not persuaded the discipline imposed was disproportionate to the charge.

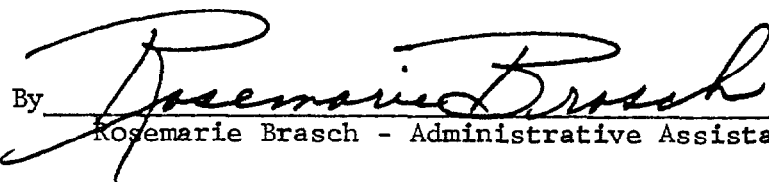
A W A R D

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.