

The Second Division consisted of the regular members and in addition Referee David P. Twomey when award was rendered.

Parties to Dispute: (International Brotherhood of Firemen & Oilers
(Consolidated Rail Corporation

Dispute: Claim of Employees:

1. That, in violation of the current agreement, Laborer Kenneth A. Roquemore was unjustly dismissed from service of the Carrier following trial held on June 24, 1980.
2. That, accordingly, the Carrier be ordered to make the aforementioned Kenneth A. Roquemore 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.

Mr. Kenneth A. Roquemore was employed as a Laborer at the Carrier's Collinwood Diesel Terminal, Collinwood, Ohio, for a period of three years prior to June 30, 1980.

A trial was held June 24, 1980, and on date of June 30, 1980, Mr. Roquemore was advised by the Carrier that effective immediately he was dismissed from Carrier service.

We have studied the transcript of the trial and the contentions and authorities of the parties and we are compelled to find that substantial evidence of record supports the Carrier's finding that Mr. Roquemore was responsible for the offense of absenteeism on May 12, 13, 14 and 17, 1980 and 7.9 hours on May 6, 1980. Superintendent Lloyd testified that he hand delivered notice of the trial to Mr. Roquemore. The record shows that the Claimant admitted that he was absent on the dates set forth in the charge. The Carrier sought a reason for

these absences, and the Claimant stated that he was absent because of a reinjury to his hip and that a doctor's excuse to verify this was in the office up front. The Carrier searched its records and no such medical evidence was ever found. And, the claim was not progressed on the property on a theory that medical evidence had in fact been supplied the Carrier. We find that the discipline of dismissal was not arbitrary, capricious or excessive in this case in view of the proven charges and the Claimant's prior disciplinary record.

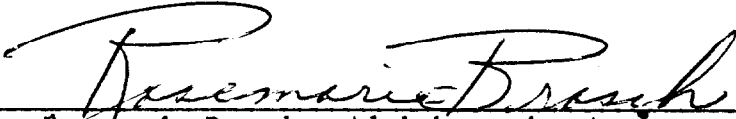
A W A R D

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 15th day of June, 1983.