Form 1 NATIONAL RAILROAD ADJUSTMENT BOARD Award No. 9565
SECOND DIVISION Docket No. 9482
2-SPT-EW-'83

The Second Division consisted of the regular members and in addition Referee James F. Scearce when award was rendered.

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

Dispute: Claim of Employes:

1. That under the current Agreement, Mechanical Department Electrician Apprentice S. C. Moye was unjustly treated when he was dismissed from service on May 27, 1980, following investigation for alleged violation of portions of Rule 810 of the General Rules and Regulations of the Southern Pacific Transportation Company (Pacific Lines). Said alleged violation commencing March 3, 1980.

2. That accordingly, the Southern Pacific Transportation Company (Pacific Lines) be ordered to:

(a) Restore Electrician Apprentice S. C. Moye to service with all rights unimpaired including service and seniority, loss of wages, vacation, payment of hospital and medical insurance, group disability insurance, railroad retirement contributions, and loss of wages including interest at the rate of six percent (6%) 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 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.

Claimant was an Electrician Apprentice at the Carrier's Locomotive Maintenance Plant in Los Angeles, California at the time of events germane to this case; he had less than two (2) years' seniority at the time. The Claimant requested and was granted a leave of absence for the month of February 1980; he was due to return to duty March 3, 1980. On March 18, 1980 having heard nothing from the Claimant as to his status and/or whereabouts, a certified letter was sent to the last known address of the Claimant -- he had not provided the Carrier a point of contact during his leave of absence. Attempted delivery of the letter was made three times. A hearing was scheduled regarding the Claimant's status and a certified letter sent to him in notification -- again to the last known address; it was returned marked "moved, left no address". Such hearing was held May 14, 1980 for which the Claimant did not appear. As a result of the hearing, he was dismissed from service May 27, 1980.

The Organization contends that the Carrier improperly dismissed the Claimant from service in that it did not demonstrate reasonable effort to determine his status or his desire to sever his employment relationship. The Organization further asserts that the Claimant's lack of appearance at the May 14, 1980 hearing denied him the opportunity to indicate his status.

We find no error in the Carrier's actions. The Claimant had an affirmative obligation to apprise the Carrier of his status and intentions; there is no demonstrated reason to fault the Carrier's attempt to do so. Under the circumstances, the conclusion reached by the Carrier was justified.

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
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 13th day of July, 1983.