

The Second Division consisted of the regular members and in addition Referee Hyman Cohen when award was rendered.

Parties to Dispute: (International Association of Machinists and Aerospace Workers
(Southern Pacific Transportation Company

Dispute: Claim of Employees:

1. That the Carrier improperly dismissed Machinist C. R. Bailey (hereinafter referred to as Claimant from service on June 29, 1981.
2. That, accordingly, the Carrier be ordered to restore Claimant to service with seniority and service rights unimpaired, with compensation for all wage loss.

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 employes 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 entered the Carrier's service on October 25, 1977 and was employed as a Machinist at the Carrier's Sacramento, California Locomotive Works.

There is very little dispute over the facts giving rise to the instant grievance. Prior to May 7, 1981, the Claimant requested and was granted a four-day leave after discussing a "situation *** in another state" with Foreman Raley. The leave of absence was to begin on May 7, 1981 and with rest days was to end on May 12. It was subject to the understanding "that no later than May 14", the Claimant "would appear, call" or let Foreman Raley "know the status of what transpired in the other state ***." The Claimant failed to contact Foreman Raley in accordance with their understanding; indeed the Claimant has failed to contact the Carrier as of the date of the Carrier's submission to this Board. After a hearing was held on June 24, 1981, the Claimant was dismissed from service, effective June 29, 1981 for being absent without authority and for continued failure to protect his employment both of which constitute violations of Rule 810.

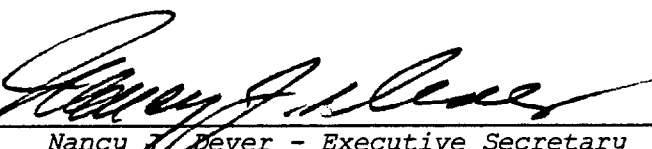
The Claimant failed to attend the hearing on June 24, 1981, although he was duly notified of the time and place where the hearing was to be held. There is nothing in the record to indicate that he failed to attend the hearing because he was unavoidably detained. By choosing not to appear at the hearing, the Claimant did so, at his peril. Since the Carrier has not heard from the Claimant since May 6, 1981, the last day he worked for the Carrier, it is reasonable to conclude that the Claimant has abandoned his employment with the Carrier.

In less than four (4) years of employment with the Carrier, and prior to the events giving rise to his dismissal from service, the Claimant received a reprimand and suspension on two (2) separate occasions for violations of Rule 810. The record establishes that since May 13, 1981 the Claimant has violated Rule 810 for being absent without authority and for continued failure to protect his employment. Accordingly, the Board is persuaded that the Carrier's dismissal of the Claimant should not be disturbed.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois this 31st day of October 1984.