

The Second Division consisted of the regular members and in addition Referee Leonard K. Hall when award was rendered.

Parties to Dispute: ( (International Brotherhood of Firemen & Oilers  
(Port Terminal Railroad Association

Dispute: Claim of Employees:

1. That under the controlling agreement Laborer B. E. White was unjustly dismissed from the service of the Port Terminal Railroad Association on November 4, 1983.

2. That accordingly, the Port Terminal Association compensate Laborer B. E. White at the pro rata rate of pay for each work day beginning November 5, 1983 until he is reinstated to service and in addition to receive all benefits accruing to any other employee in active service, including vacation rights and seniority unimpaired. Claim is also made for Laborer B. E. White for his actual loss of payments of insurance on his dependents and hospital benefits for himself, and that he be made whole for pension benefits, including Railroad Retirement and Unemployment Insurance, and in addition to the money claimed herein, the Carrier shall pay Mr. White an additional sum of 18% per annum compounded annually on the anniversary date of said claim.

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 employees 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 was employed as a Laborer-Driver in the employer's service at Houston, Texas, on Job #9-06, scheduled to work 11:30 P.M. to 7:30 A.M., with rest days Wednesday and Thursday. The Claimant was absent from his assignment on Saturday, September 24 and Sunday, September 25, 1983.

In notice dated September 26 the Claimant was informed that a Hearing would be held at a designated time, place and date to develop the facts, place his responsibility, if any, in connection with his absence.

The Hearing was twice postponed at the request of his Representative and ultimately held on November 2, 1983.

At the Hearing he was represented by his Local Chairman and by the General Chairman.

The Hearing disclosed that at about 4:30 P.M. on Friday, September 23 he contacted the Master Mechanic at his home, requested to be off of his assignment starting at 11:30 P.M. that date. The Master Mechanic, after determining that the Claimant wanted to be off for the purpose of handling a legal matter regarding his father in the hospital, the request was granted for that one date only. The grant was with the understanding that he would be at work on September 24. The Claimant answered "okay." The Master Mechanic testified further that he immediately called the Leadman at the Diesel Shop with direction to enter that stipulation in the Turnover Book.

The Claimant did not report for his assignment on September 24 as promised, nor did he report for his assignment on September 25.

The Claimant was requested to report personally to the Master Mechanic for permission to be absent due to his past unsatisfactory attendance record.

It is well established in a long line of Awards of the Board and of this Division that the employer has the right to expect its employes to timely report for their assignments.

Similarly, the Awards hold that an employee's service record may be properly considered in determining the measure of discipline after a finding that discipline is warranted, based upon the record disclosed by the Transcript of the Investigation.

Our examination of the record and consideration of the evidence, as well as review of the Claimant's personal record, leads us to uphold the judgment of the Carrier's Officer who assessed the dismissal.

In the light of these findings, it is not necessary that we pass upon the procedural contentions introduced into the record. The Claim will be denied.

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 19th day of March 1986.