

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

(International Association of Machinists and  
( Aerospace Workers  
Parties to Dispute: (  
(National Railroad Passenger Corporation (Amtrak)

Dispute: Claim of Employees:

1. That the National Railroad Passenger Corporation (AMTRAK) violated Rule 24 but not limited thereto of the prevailing Agreement when they dismissed Machinist C. J. Riley III for alleged violation of Carrier Rules of conduct "K" and "L," and the 16th street diesel facility attendance policy. Claimant is made to restore the claimant to service and compensate him for all pay lost up to the time of restoration to service at the prevailing Machinists' rate of pay.

2. That Machinist Riley be compensated for all insurance benefits, vacation benefits, holiday benefits and any other benefits that may have accrued and were lost in this period and otherwise made whole for all losses (sic) in accord with the prevailing agreement dated September 1, 1977, as subsequently amended.

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 in this dispute, a Machinist employed at Chicago, Illinois, was dismissed on December 22, 1983, following an investigation in connection with his being absent from duty on October 1 and 9 and leaving his duty assignment early on October 7 and 31, 1983, in violation of Rules K and L and the 16th Street Diesel Facility Attendance Policy.

In explanation for his absence on October 1 he stated he was sick with a headache and dizziness, just laid down and slept for awhile. On October 9 he laid off sick but stated he could not recall the nature of his sickness. On October 7 he left his position early to attend to a child residing in his abode who had been bitten by his dog. On October 31 he left his position 4'56" early to take his wife home from downtown when her ride home was running late.

The Transcript of the Investigation discloses that the Claimant admitted his absences and as the Investigation was drawing to a close, his past record of absenteeism was reviewed with him.

The Claimant was employed on April 10, 1978. During the period April 7, 1981 to and including October 13, 1983, he was warned, counselled, reprimanded and disciplined ten times in connection with his attendance record. Reference to that record was made part of the notice of his dismissal.

With but one exception the Organization's positions are the same as discussed in Award 10899, same Organization and same Carrier and the same Rules and policy violations. The exception is that its position on the 30-day time limit was not broached at the Investigation, but argued in the appeals procedures. That argument comes too late.

Considering the Claimant's admissions and the extent of his past attendance record, we will not reverse the discipline initially assessed and later modified to the extent of a suspension without pay. 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 25th day of June 1986.