

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  
(  
( Seaboard System Railroad

Dispute: Claim of Employees:

1. That under the current and controlling agreement, Laborer Solomon Hart was unjustly dismissed from service of the Seaboard System Railroad, Hamlet, North Carolina, on May 7, 1984.
2. The accordingly, Laborer Solomon Hart be restored to his assignment at Hamlet Diesel Shop, Hamlet, North Carolina, with all seniority rights unimpaired, vacation, health and welfare benefits, hospital, life and dental insurance premiums be paid and compensated for all lost time, effective June 11, 1984, and the payment of 10% interest rate be added thereto.

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 in this case was absent from duty February 9, 1984 until he reported for duty on May 9, 1984 after being off account illness and finally completing the required medical release form.

He was accorded an Investigation on June 11, 1984 in connection with

his absence from duty. Thereat it was disclosed that after ten days from the date of his absence starting February 9 he was sent a medical release form to fill out and return. He made no attempt to furnish the form until March 20, 1984, even though having been contacted several times prior to that date to do so. When he returned the report, it was incomplete and not accepted.

On May 9 the Claimant presented a completed form and therein it was reported that he had been released for return to duty on February 12, 1984. The incomplete report handed in on March 20 did not bear the information that the Claimant had been released to return to work on February 12, 1984.

The Investigation also disclosed that he was employed by another business establishment during the months of April and May.

As the Investigation was drawing to a close, his past record was reviewed in his presence.

On June 11, 1984 the Claimant was notified that he was dismissed account guilty of desertion in that he remained absent from his assignment and worked for another Employer. In the same Notice he was advised that his record of previous handling and discipline had been ineffective in bringing about an improvement in his attendance at work.


The Board finds that the Claimant received a fair and impartial investigation; that he was not unjustly treated; that he was properly found at fault and that the discipline was not too severe when all of the circumstances disclosed by the record are fully considered, including his past record of absenteeism. The Carrier's dismissal of the Claimant will not be reversed.

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.