

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

(International Association of Machinists and  
( Aerospace Workers  
PARTIES TO DISPUTE: (   
(CSX Transportation, Inc.

STATEMENT OF CLAIM:

1. That CSX Transportation, Inc. violated Rule 30, but not limited thereto, of the controlling agreement when it unjustly suspended Machinist Apprentice L. L. Benjamin for 20 days beginning June 23, 1986 and ending July 12, 1986.
2. That accordingly, CSX Transportation be ordered to reimburse Mr. Benjamin for all pay and benefits lost (made whole) as a result of said suspension and remove all reference to the charges from his record.

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.

Claimant was absent from duty between May 2, 1986 and May 12, 1986. When he reported for duty he was notified that he was being charged with violating that portion of Rule 19 reading:

"... An employee detained from work on account of sickness or for any other good cause shall notify his foreman as early as possible."

and Rule 7 reading:

"Employees must not absent themselves from their duties without permission from the proper authority. Repeated and chronic absenteeism will subject an employee to investigation and possible discipline."

After the Investigation was held on these charges, at which Claimant was represented by an Officer of his Union, he was notified that he was disciplined with a twenty day suspension.

From our review of the transcript of Claimant's Investigation we must conclude that the Hearing was proper under the Agreement and that adequate evidence was developed to establish Claimants responsibility on the charge.

Claimant's several faceted defense, that he lived in a rural area without a phone, that he asked a coworker to report that he was ill and could not come to work, and that he made a further attempt to notify his foreman of his illness, on May 6, 1986, when he was on his way to secure medical attention, do not over shadow his failure to notify Carrier that he would be detained from work because of illness.

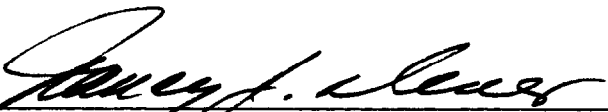
Moreover there is evidence in this record that Claimant, in the past, engaged in similar conduct. Accordingly, the discipline assessed will not be disturbed.

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 10th day of August 1988.