

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13279

Docket No. 13232

98-2-96-2-144

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

**(International Association of Machinists and
(Aerospace Workers (District 19)**

PARTIES TO DISPUTE: (

(Consolidated Rail Corporation

STATEMENT OF CLAIM:

"Dispute - Claim of Employee:

That Consolidated Rail Corporation arbitrarily and capriciously dismissed Machinist Robert J. Barlow following trial held in absentia on August 18, 1995.

Accordingly, Machinist Robert J. Barlow should be immediately restored to service, paid for all time lost, including overtime, be credited for any and all fringe benefits that would have accrued had not the unjust discipline been imposed, and have his record cleared of any reference to the charges."

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 employee 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 were given due notice of hearing thereon.

Claimant was dismissed from the service of Carrier on September 7, 1995 as a result of an Investigation held on August 18, 1995. Claimant was found to have been absent without authority for 14 days in late June and early July 1995.

Claimant had only six months of service at the time of the absenteeism, and did not attend the Investigation.

The Organization has made many procedural objections. However, a review of the transcript reveals the Claimant received a fair and impartial Hearing.

There is no question the Carrier proved the Claimant was absent without authority. Claimant was a relatively new employee, and this Board will not change the actions of the Carrier in this case.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 18th day of May 1998.