

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13709

Docket No. 13630

03-2-01-2-37

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

**(International Brotherhood of Electrical Workers
PARTIES TO DISPUTE: (
(Burlington Northern Santa Fe Railway**

STATEMENT OF CLAIM:

- “1. That in violation of the current April 1, 1983 Agreement Rule 30, but not limited thereto, Electronic Technician Valerie L. Maze was unjustly dismissed from the service of the Burlington Northern/Santa Fe Railroad Company following an investigation held on November 8, 1999.**
- 2. That the investigation held on November 8, 1999 was not a fair and impartial investigation under the terms required by the rules of the current Agreement.**
- 3. That accordingly, the Burlington Northern/Santa Fe Railroad Company be directed to return Valerie L. Maze to its service with restoration of seniority and made whole for all lost wages, benefits, rights and privileges which were adversely affected by the unjust dismissal from service. In addition, that all record of this matter be removed from her personnel 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 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.

On November 29, 1999, the Claimant was dismissed from the service of the Carrier. At an Investigation held on November 8, 1999 the Carrier found that the Claimant had violated Rules 1.6, 1.13 and 1.15 on October 19 and 21, 1999.

The facts in this case show the Claimant was employed by the Carrier on July 1, 1997. On October 19, 1999, the Claimant was to report for an all day computer class. The Claimant's hours of work were 8:00 A.M. to 4:30 P.M. The Claimant missed work on October 20. At 11:19 A.M. on October 21 the Claimant called to advise the Carrier the Claimant would be to work shortly. The Carrier Officers checked to see if the Claimant had attended class. They ascertained the Claimant had not shown up for class. The Claimant filed a time form claiming eight hours pay for October 19, 1999.

The Carrier has met its burden of showing that the Claimant violated its Rules. The Claimant was a short term employee and there is no basis for the Board to overturn the action 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 28th day of February 2003.