

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22632
Docket Number MS-22541

James F. Searce, Referee

PARTIES TO DISPUTE: { D. E. Schulz
{
{ The Atchison, Topeka and Santa Fe
{ Railway Company

STATEMENT OF CLAIM: "Claim of D. E. Schulz that:

(a) Carrier violated the Clerks' Agreement on June 26, 1976 when D. G. Tucker, Director, Computer Operations, notified Claimant that he was removed from service; and,

(b) D. E. Schulz shall now be reinstated into the service of the Carrier with all past rights restored on the basis they were prior to his dismissal from the service of the Carrier on June 26, 1976; and,

(c) D. E. Schulz shall now be compensated eight (8) hours' pay each work day of Machine Operator Position at the current rate of position for each day since June 26, 1976, and the same for each work day of above mentioned position until he is reinstated into the service of the Carrier; and,

(d) D. E. Schulz shall receive ten (10%) per cent interest to be compounded each and every pay period from date of his removal from service forward, until such time claim is settled and Claimant returned to service of the Carrier. No oral hearing is desired."

OPINION OF BOARD: Claimant was summoned to a disciplinary hearing held on June 25, 1976 under the following charge:

"...to develop all the facts and place your responsibility, if any, in connection with possible violation of Rule 13, Form 2626, Standard, General Rules for the Guidance of Employees, 1975, concerning your alleged absence without proper authority since May 28, 1976."

Following the hearing, Carrier discharged Claimant from service, and that action is before us for review.

We have thoroughly reviewed the hearing and the record. We find that Claimant was afforded a fair and impartial hearing and had every opportunity to testify and enter his story into the record. During the middle of the hearing, Claimant left of his own volition - an action which was clearly at his own peril.

The transcript contains more than substantial evidence establishing Claimant's responsibility for the matter in question. Testimony was introduced which established that Claimant was indeed absent from his assignment for the period in question without authority and that he had not secured any leave of absence. His absenteeism was a serious offense, and, based on the record before us, which indicates that Claimant was well aware that he could not be absent for the period in question without a proper leave of absence, we find no basis to alter Carrier's discipline of dismissal.

Accordingly, we will deny the claim.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;'

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 9th day of November 1979.

