

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19847
Docket Number CL-19979

Burl E. Hays, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(
(The Western Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-7153) that:

1. The Carrier violated the rules of the Agreement extant between the parties when it withheld Mr. M. E. Huffman from service and subsequently dismissed him on July 9, 1971, following investigation held on June 30, 1971.

2. Mr. M. E. Huffman be allowed a days' pay for each day he was improperly held out of service from June 25, 1971, until returned to service of the Carrier with all seniority and other rights restored.

OPINION OF BOARD: Following an appropriate investigation on charges of being absent without proper authority, Claimant was dismissed from Carrier's service.

The record shows that the cause of the unauthorized absence was Claimant's confinement to jail because of his failure to comply with the terms of probation that had been previously imposed for a traffic violation.

Approximately three months after his dismissal, Claimant was reinstated by Carrier and advised to report for duty. He failed to report and thereby terminated his seniority and employment relationship.

The record fails to disclose that any of Claimant's agreement rights were violated and therefore the claim must be denied.

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 Employee involved in this dispute are respectively Carrier and Employee 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

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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. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 13th day of July 1973.