

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22526
Docket Number MW-22687

Paul C. Carter, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(The Chesapeake and Ohio Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The dismissal of Laborer Walter E. Reichert was without just or sufficient cause and was extremely disproportionate to the offense with which charged [System File C(So)-D-500/MG-1957].

(2) The decision of dismissal be rescinded and the provisions of Rule 21(e) shall be applied."

OPINION OF BOARD: On May 11, 1977, claimant was notified to attend an investigation at 10:00 A.M., May 26, 1977, on charge of excessive absenteeism, with specific dates in March, April and May listed in the notice.

Claimant acknowledged delivery of the notice of investigation, but he did not appear at the investigation, nor did he request postponement of same. The investigation was conducted in his absence. On May 31, 1977, claimant was notified of his dismissal from Carrier's service.

Claimant's failure to appear at the investigation was at his peril. There was sufficient evidence introduced to support the charge of excessive absenteeism.

There is no proper basis for this Board to interfere with the discipline imposed.

As we have decided the case on its merits, it is not necessary to pass upon the procedural issues raised.

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 Employes involved in this dispute are respectively Carrier and Employes 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 28th day of September 1979.