

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22555
Docket Number CL-22609

Paul C. Carter, Referee

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

STATEMENT OF CLAIM: Claim of the System Committee of
(GL-8590) that:

(a) The Northwestern Pacific Railroad Company violated the Clerks' Agreement when it held investigation and dismissed Mr. C. M. Barker from service notwithstanding he was not in service as a result of a prior dismissal; and,

(b) The Northwestern Pacific Railroad Company shall now be required to reverse said decision and withdraw all charges pertaining thereto.

OPINION OF BOARD: Claimant's first dismissal from Carrier's services on July 21, 1976, and claim for reinstatement with pay for time lost and other benefits, was covered by our Award No. 22370, issued on March 30, 1979.

Following Claimant's first dismissal, Carrier reinstated him to service some months later. When Claimant failed to return to service, Carrier brought the instant action and following a hearing (at which the Claimant did not attend, although notified by Carrier of its pendency), it discharged him for absence from his assignment. Our review of the record convinces us that Claimant did not report for his assignment after Carrier reinstated him, and there is no basis for us to disturb Carrier's disciplinary action. Claimant, by his own failure to report after his reinstatement, was responsible for this discharge and the record clearly supports this conclusion. We will consequently dismiss 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 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 claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this 16th day of October 1979.