

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23524  
Docket Number MW-23884

Paul C. Carter, Referee

PARTIES TO DISPUTE: { Brotherhood of Maintenance of Way Employees  
{ Consolidated Rail Corporation

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

(1) The dismissal of Trackman Wirron B. Knox for 'Allegedly walking off the job without notifying anyone on 9/13/78' was without just and sufficient cause and wholly disproportionate to the charge (System Docket IV-105).

(2) Trackman Wirron B. Knox shall be reinstated with seniority and all other rights unimpaired and shall be compensated for all wage loss suffered."

OPINION OF BOARD: The record shows that claimant entered the service of the Carrier on April 4, 1978. On September 13, 1978, while working temporarily as a machine operator at Oak Island Yard, Newark, N. J., claimant walked away from the job site during the lunch break without informing anyone of his intention to leave, without obtaining permission to leave from any of his supervisors, and did not return to work on that date. When claimant returned to work the next day, he was held out of service and given a notice to attend an investigation/hearing on September 21, 1978, in connection with the charge:

"In that you allegedly walked off of the job without notifying anyone.

Place: Oak Island, West Bound Receiving Yard  
Time: 12:00 PM 9/13/78."

The investigation/hearing was held as scheduled, following which claimant was notified on September 29, 1978, of his dismissal from service.

A copy of the transcript of the investigation/hearing has been made part of the record, and we find that none of claimant's substantive procedural rights was violated. We have been referred to no rule requiring the segregation of witnesses.

Claimant had been in Carrier's service a little more than five months. In the short time that he was in the service the Carrier has shown that he was cautioned three times concerning absenteeism and unauthorized absences.

Considering the entire record, there is no proper basis for the Board to disturb the discipline imposed.

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 26th day of February 1982.

