

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26704
Docket Number MS-27276

Ronald L. Miller, Referee

PARTIES TO DISPUTE: (Ronald W. Green
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(Consolidated Rail Corporation

STATEMENT OF CLAIM:

"I am seeking reinstatement of my seniority privileges as the 'fourteen-day without supervisor's permission' can be negated from the record."

OPINION OF BOARD: On August 5, 1985, the Carrier terminated the employment of the Claimant under the self-executing provision of Rule 28. The Claimant had been absent from work without permission since July 8, 1985.

There is no evidence of record that the circumstances of the Claimant's absence prevented him from fulfilling his obligation to notify the Carrier. In particular, numerous Awards of this Board (see Third Division Awards 24606, 22868, 21228, 24760) and various Public Law Boards (especially see PLB 3514, Award #31) have held that confinement in jail does not constitute unavoidable absence for good cause.

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

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois this 23rd day of November 1987.