

BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 1037

Case No. 33

PARTIES: CSX TRANSPORTATION, INC.

TO :

DISPUTE: BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM:

Dismissal of Mr. J. A. Fields, ID 163735, as a result of the investigation held concerning him on July 23, 1993, account violation of Rule 17(b) of the Agreement between CSX and its Maintenance of Way Employees.

FINDINGS:

Claimant J. A. Fields was employed by the Carrier as a trackman.

On July 17, 1993, the Carrier notified the Claimant to appear for a formal investigation to determine whether or not he was guilty of violating Rule 17(B) when he allegedly failed to protect his assignment as a trackman on Force 5F38 on July 13-16, 1993.

The hearing was held on July 23, 1993, however, it was held in absentia because the Claimant failed to appear. It was determined at the hearing that the Claimant had apparently been absent without permission since July 13, 1993 until the date of the hearing and that he had not contacted the Carrier to give any explanation concerning his absence. Therefore, the Carrier dismissed the Claimant on July 27, 1993.

The Organization thereafter filed a claim on the Claimant's behalf challenging the dismissal, and this matter came before this Board.

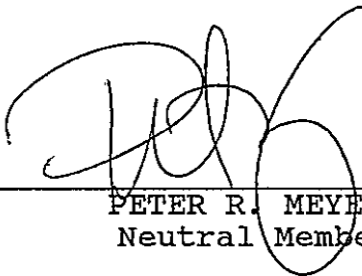
This Board has reviewed the record in this case, and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of violating Rule 17(B) when he failed to protect his assignment for the period July 13 through 16, 1993. There is no evidence that he was granted permission to be absent from work, and the Carrier had every right to terminate his employment.

This Board has reviewed the record in this case, and we find no basis to set aside the discharge or take any other action.

Therefore, the claim will be denied.

AWARD:

Claim denied.



PETER R. MEYERS
Neutral Member

Carrier Member

Organization Member

Dated: _____