

The Second Division consisted of the regular members and in addition Referee Hugh G. Duffy when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers
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(National Railroad Passenger Corporation (Amtrak)

STATEMENT OF CLAIM:

Appeal of dismissal from service imposed on Electrician Patrick DeLucia on December 5, 1989 by the National Railroad Passenger Corporation, at Albany, N.Y.

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

Claimant was charged with violating Rules L and O of the Carrier's Rules of Conduct in that, after not reporting for duty after a leave of absence, he allegedly (1) failed to follow instructions to keep the Carrier informed of his extended absence with proper medical authorization, and (2) failed to keep the Carrier advised of his current address.

The Carrier sent the instructions to supply medical documentation by regular and certified mail to the Claimant's official address of record, but the letters were returned with a notation that he had moved and left no forwarding address; it sent similar letters by certified and regular mail to Claimant's emergency contact address, and these letters were returned as "refused."

After a Notice of Investigation was sent to Claimant's emergency contact address on November 7, 1989, a Hearing was held in absentia on November 27, 1989. Subsequent to the Hearing, Claimant was found guilty of the charges and assessed the penalty of dismissal.

After reviewing the record, the Board is satisfied that there is substantive evidence that Claimant was guilty as charged. Although he was tried in absentia, a Notice of Investigation had been properly sent by the Carrier, and Claimant's Representative attended the Hearing and had an opportunity to examine the evidence and question the witnesses. A review of the transcript demonstrates that the Organization pursued all relevant points on behalf of the Claimant, and that the Hearing itself was conducted in a fair and impartial manner. We thus find no basis to disturb the Carrier's decision in this matter.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 8th day of January 1992.