

PUBLIC LAW BOARD NO. 1582

PARTIES) THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY  
TO )  
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM: Claim in behalf of former Trackman Alton Dixon, Southern Division, for reinstatement with seniority, vacation and all other rights unimpaired and compensation for time lost beginning November 18, 1977.

FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant did not report for work on October 10, 1977 or prior to October 20, 1977 when the Carrier sent a notice to the claimant by certified mail that his seniority and employment were being terminated due to his being absent without proper authority and advising that he could, if he desired, within twenty days request an investigation.

The claimant requested an investigation, and the formal investigation was held in the Division Engineer's Office in Temple Texas on November 18, 1977 for the purpose of developing all the facts and placing the responsibility, if any, in connection with the claimant allegedly being absent without proper authority in violation of Rule 15, General Rules for the Guidance of Employees, Form 2626 Standard.

The claimant did not attend the investigation. The Organization filed a claim for reinstatement of the claimant to service with seniority, vacation and all other rights unimpaired and compensation for net wage loss beginning November 18, 1977.

The record indicates that the claimant had been employed by the Carrier for only four months with a total active service of two and one-half months. The evidence of record indicates that the last day the claimant worked was October 7, 1977. The evidence is also conclusive that the claimant was absent from duty without proper authority in violation of Rule 15, General Rules for the Guidance of Employees, Form 2626 Standard.

After a review of the transcript and the evidence, it appears to the Board that there is no support for the claim. With the short tenure of service there is no justification to hold that the discipline is too severe.

PLB 1582  
Award No. 102  
Page 2

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Organization Member

  
Carrier Member