

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:

1. That the Carrier violated the Agreement between the parties by unjustly discharging Colorado Division Trackman Ray Silva from service effective July 5, 1979.
2. That the Carrier now reinstate Trackman Silva to service with seniority, vacation and all other rights unimpaired and that he be compensated for all wage loss suffered account the Carrier's wrongful action.

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 had been an employee since March 30, 1977 and was terminated for being absent without proper authority from June 24, 1979. The claimant was terminated July 5, 1979 and requested a formal investigation. Pursuant to the investigation the claimant was terminated for being absent in excess of ten days without proper authority.


The Board has carefully examined the transcript of record and considered the position of the Organization. This case differs from Award No. 128 of this Board in that herein the Carrier was not aware that the claimant was unavailable for service.

The evidence establishes that the claimant was absent without authority in violation of the rules, and with the claimant's poor record and short tenure of service, there is no justification to overrule the decision of the Carrier.

AWARD: .Claim denied.

  
Preston J. Moore, Chairman

  
Organization Member

  
Carrier Member