

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM. 1. That the Carrier's decision to assess claimant Thompson's record with twenty (20) demerits as result of investigation held Ft. Worth, Texas on September 4, 1981 was improper because the evidence reported in the investigation does not sustain the charges and even if the charges were proven, the discipline assessed was excessive.

2. That claimant W. M. Thompson's record be expunged of demerits and his personal record be expunged of all references thereto.

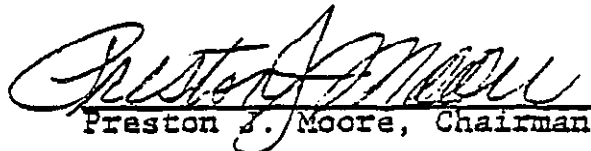
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute claimant was charged with failure to protect his assignment on August 7, 10, 11 and 12, 1981. The transcript of record indicates claimant testified that on the dates he was absent without proper authority, the brakes had gone out on his car and he had car trouble.

Evidence of record indicates that on August 6 the foreman advised the claimant as to where he could be reached if the claimant was going to be late for work and instructed the claimant to contact him if he needed to be off in the future. Evidence indicates that on August 7 the claimant called the clerk in the yard office about 9:20 a.m. and advised he would be off because of car trouble.

The claimant was off work on August 10 for reasons unknown, and on August 11 at approximately 11:50 a.m. the claimant called the yard office advising that he had car trouble. On August 12 the claimant was three hours late for work without permission. Under all of the circumstances and evidence herein, there is no justification for setting aside the discipline assessed by the Carrier.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Organization Member

  
Carrier Member

OCTOBER 7, 1981