

PUBLIC LAW BOARD NO. 1532

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

STATEMENT OF CLAIM:

1. That the Carrier's decision to assess claimant Redic's record with thirty (30) demerits after the investigation of September 8, 1981 is unjust because the evidence recorded at the investigation does not sustain the charge and even if the evidence sustained the charges, the amount of discipline assessed is harsh and excessive.
2. That the Carrier expunge the thirty (30) demerits assessed the claimant's record as a result of the investigation of September 8, 1981 and make him whole for any wage loss that may have resulted 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 the claimant was charged with being absent without proper authority on August 10, 11, 12, 13 and 14, 1981. Pursuant to the investigation, the claimant was assessed thirty demerits, and the Organization filed a claim to have the discipline set aside.

The investigation was held in the Division Engineer's Office at Temple, Texas on September 8, 1981. The investigation was scheduled for 9:00 a.m. and was postponed until 9:35 a.m. because the claimant had not appeared. At that time the Carrier proceeded to hold the investigation without the attendance of the claimant. The claimant was properly notified by certified mail of the investigation.

The transcript of record indicates that the claimant was absent from duty without authority on August 10, 11, 12, 13 and 14, 1981. The claimant did not have permission to be absent and did not give any excuse for being absent. In view of the fact that the claimant did not attend the investigation, gave no excuse for being absent, there is no justification for modifying the discipline or setting aside the discipline.

AWARD: Claim denied.


Preston J. Moore, Chairman


Carrier Member


Organization Member