

PUBLIC LAW BOARD NO. 1582

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 remove claimant Sanders from service was unjust because the evidence recorded at the investigation did not sustain the charges and even if sufficient evidence had been introduced, permanent removal is harsh and excessive.
2. That the Carrier now reinstate claimant to service with seniority vacation, all benefit rights unimpaired and pay for all wage loss beginning August 24, 1981 continuing forward, and or otherwise made whole.

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 July 15, 16, 17, 20, 21, 22, 23 and 24, 1981 in excess of ten calendar days and being in violation of Rules 2, 13 and 15, General Rules for the Guidance of Employees, Form 2626 Std.

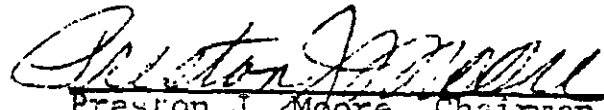
The claimant was properly notified that the investigation would be held at 9:00 a.m. on August 24, 1981 in the Division Engineer's Office at Temple, Texas. The investigation was delayed until 9:30 a.m., but the claimant failed to appear for the investigation.


Testimony of record indicates that the claimant was absent without authority as set forth in the charge and further indicates that he was guilty of violation of the rules as charged.


The claimant did write a letter and admit his guilt which stated that if possible he would like to be stationed closer to home since he had a wife and two small children.

The evidence of record indicates that the claimant was not interested in this job which kept him too far away from his home. Under the circumstances there is no justification for setting the discipline aside.

AWARD: Claim denied.


Preston J. Moore, Chairman


Carrier Member


Organization Member