

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM:

1. That the Carrier's decision to remove Claimant Yanez from service was unjust because substantial evidence was not introduced in the investigation transcript, and even if the Carrier had proven the charges against claimant, decision of permanent removal would be excessive discipline.

That the Carrier be directed to reinstate claimant to service with seniority, vacation, all rights restored and pay for all wage loss beginning November 6, 1981 continuing forward, and or otherwise made whole.

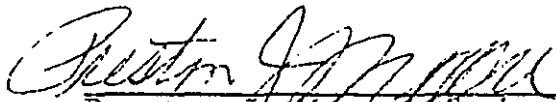
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant was notified to attend a formal investigation at the Division Engineer's Office in Fort Worth, Texas at 9:00 a.m. on November 6, 1981 in regard to his alleged failure to protect his assignment as trackman on Section 13, Fort Worth, Texas from October 5 through October 13, 1981.

The claimant did not attend the investigation, nor did he have a representative present. The record indicates that the claimant had properly received notice of the investigation and signed a receipt for such notice.

The evidence further establishes that the claimant was absent without authority from October 5 through October 13, 1981. The roadmaster and the foreman testified that the claimant did not call in and request time off or notify the foreman he would not be present for work. Under these circumstances there is no justification to reinstate the claimant.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member