

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's decision to remove Southern Division Trackman N. Rangel from service was unjust.
2. That the Carrier now reinstate claimant with seniority, vacation, all benefit rights unimpaired and pay for all wage loss beginning July 30, 1982 continuing forward and/or otherwise made whole, because the Carrier did not introduce substantial evidence that proved that the claimant violated the rules enumerated in their decision, and even if claimant violated the rules enumerated in the decision, permanent removal from service is extreme and harsh discipline under the circumstances.

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 being absent without authority from June 2 through June 10 and June 14 through June 25, 1982 while assigned as trackman on Extra Gang 72, Brady, Texas. Pursuant to the investigation claimant was dismissed from the service of the Carrier for violating Rules 2, 13 and 15.

Claimant had been employed for five years and had no excuse for being absent without permission. There is no evidence that claimant had any justifiable reason for being absent. Claimant has a good record and in view of the circumstances, it is the opinion of the Board that permanent dismissal is too severe. Therefore the Board finds that claimant should be reinstated with seniority and all other rights unimpaired but without pay for time lost.

AWARD: Claim sustained as per above.

ORDER: The Carrier is directed to comply with this award within thirty days from the date of this award.

Preston J. Moore, Chairman

J. E. F. Lanning

Organization Member

W. J. Pearson