

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 S. L. Ashby 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 August 24, 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 dismissal 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 the claimant was charged with being absent without proper authority from June 28 through July 8, 1982 and a possible violation of Rules 2, 13 and 15, General Rules for the Guidance of Employees, Form 2626 Standard.

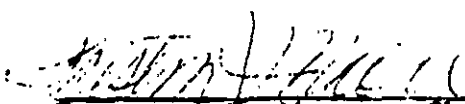
Pursuant to the investigation the claimant was found guilty of violating Rules 2, 13 and 15 and was removed from service. The Carrier mailed a certified letter to the claimant on July 8, 1982 advising him that he had been absent without proper authority in excess of ten days, and in accordance with the agreement his seniority was terminated and his employment with the Carrier was also terminated.

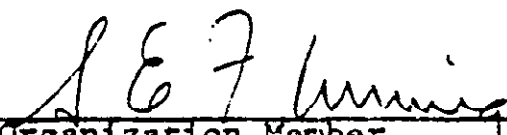
Pursuant to the agreement the claimant had twenty days in which to request an investigation, and the investigation was held. Following the investigation the claimant was removed from service.

The transcript of record reveals that the claimant was absent from duty from June 28 through July 8, 1982 and that he was assigned to Extra Gang 74. Evidence established that the claimant had been issued a copy of the General Rules for the Guidance of Employees and had been employed since 1977. The evidence further reveals that the claimant could have worked from June 4 to June 28, 1982, but that fact is not involved in this dispute.

The claimant did not attend the investigation, and the Board finds there is no justification for setting the discipline aside.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member

DATED AT CHICAGO, ILLINOIS
NOVEMBER 12, 1982


Carrier Member