

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim that former Middle Division Trackman Andrew Castor be reinstated to service with seniority, vacation, all benefit rights, pay for wage loss and/or otherwise made whole, account the claimant was unjustly dismissed from service on August 17, 1981 for being absent from duty without authority commencing June 11, 1981.

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 by letter dated June 23, 1981 that he was being terminated due to his being absent without permission. The claimant requested a formal investigation, and pursuant to this investigation the claimant was removed from the service of the Carrier. The claimant did not have a representative, and he signed a waiver of a right of representation.

The claimant testified that the last date he worked was June 10 or June 11, 1981. The claimant also testified that he notified his foreman by phone that he would be absent from work and notified him on several days but did not tell him when he might return to work.

Roadmaster Alvarez testified that the claimant worked five hours on June 10, 1981 but had not worked since that time. He further testified that the claimant did not obtain a leave of absence from his office. He also testified the claimant did not call him until June 23, 1981.

Track Supervisor Zenner testified that the claimant did not request a leave of absence for the period in question. This testimony is unchallenged by the claimant. The claimant's service record has been carefully considered, and in view of all the evidence there is no justification to set the discipline aside.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Organization Member

CHICAGO, ILLINOIS  
February 17, 1983

  
Carrier Member