

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 for reinstatement of former Trackman J. M. Rincon, Los Angeles Terminal Division, with seniority, vacation and all other basic rights restored and that he be compensated for all wage loss beginning April 20, 1981, account claimant being unjustly dismissed for being absent without authority.

**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 on April 1, 2, 3, 6, 9, 13 and 14 in possible violation of Rules 2, 13, 14 and 15 of the General Rules for the Guidance of Employees, Form 2626 Standard. Pursuant to the investigation the claimant was found guilty and was dismissed from service.


The investigation was scheduled for May 11, 1981 at 1:00 p.m. At 1:33 p.m. the claimant had not arrived although a Union representative was present to represent him. The Organization representative objected to the investigation proceeding in the absence of claimant, but the objection was overruled. It was pointed out that claimant had received notice of the investigation by certified mail and that he himself had signed for the notice.

The Roadmaster of the Los Angeles Terminal Division testified that claimant was absent on April 1, 2, 3, 6, 9, 13 and 14, 1981 and did not notify his foreman or assistant foreman or assistant roadmaster or any of the clerical staff that he would be absent. After a review of all the testimony and evidence, there is no justification for setting the discipline aside.

**AWARD:** Claim denied.

  
Preston J. Moore, Chairman

  
Organization Member

  
Carrier Member