

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 the twenty demerits assessed the personal record of Western Lines Group 6 Welder Helper T. J. Miller as a result of investigation held March 9, 1981 for being absent without proper authority be removed, account claimant did not receive a fair and impartial investigation.

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 proper authority. An investigation was held, and claimant was assessed twenty demerits for being in violation of Rules 13 and 15 of the General Rules for the Guidance of Employees.

The Organization contends that claimant did not receive a fair and impartial investigation. The claimant testified that he was absent from work on February 13, 1981 and that he did not have permission to be absent. The only reason the claimant gave for being absent was that it was beyond his control, and he could not make it to work. The claimant testified he was put in jail and was not allowed to make a phone call.

The Board has examined the transcript of record and finds that the claimant has a poor record for being absent without authority, and under the circumstances finds no justification for setting the discipline aside.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Organization Member

  
Carrier Member

Chicago, Illinois  
February 17, 1983