

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 Valley Division Trackman Ezekiel Alexander from service was unjust.

2. That the Carrier now reinstate claimant Alexander with seniority, vacation, all benefit rights unimpaired and pay for all wage loss as a result of investigation held July 29, 1983 continuing forward and/or otherwise made whole because the Carrier did not introduce substantial, creditable evidence that proved that the claimant violated the rules enumerated in their discipline, 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.

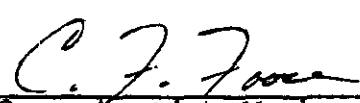
In this dispute claimant was notified he was being recalled to service by letter dated June 6, 1983. When claimant failed to respond he was notified by letter dated June 27, 1983 that his seniority and employment had been terminated due to his being absent without proper authority.

Thereafter the claimant requested a formal investigation by letter dated July 6, 1983. The claimant was notified by certified letter that the investigation would be held July 29, 1983, and the claimant signed the receipt for the certified letter. The claimant failed to appear for the investigation, and his name was dropped from the seniority roster in accordance with Rule 2, Section C of the Maintenance of Way Agreement.

Under the Maintenance of Way Agreement and the facts existing herein there is no justification to overrule the decision of the Carrier.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Organization Member

October 19, 1983  
Chicago, Illinois

  
Carrier Member