

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: That the Carrier's decision to remove Northern Division Trackman D. R. Crownover from service was unjust; That the Carrier now reinstate Claimant Crownover with seniority, vacation, all benefit rights unimpaired and pay for all wage loss as a result of investigation held July 20, 1984, 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 decision, and even if Claimant violated the rules enumerated in the decision, permanent removal from service is extreme and harsh discipline under the circumstances.

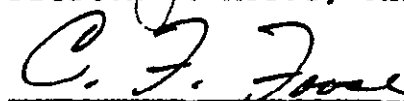
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute, the claimant was notified to attend an investigation in connection with the charge that he failed to protect his assignment as the Trackman on Section Gang 33 from May 22, 1984 until June 21, 1984. Pursuant to the investigation, the claimant was dismissed from service of the Carrier for failing to comply with Rules 2, 13, and 15, of the General Rules for the Guidance of Employees, Form 2626 Standard.

The transcript of record establishes that the first notice of the investigation was left at the claimant's residence on June 23, and that a second notice was left on June 28. Also, a certified letter was returned to the Superintendent's office unclaimed July 11, 1984. The testimony of record establishes that the claimant did not appear for the investigation. The claimant was absent May 23, 24, and 25 without permission. He returned to work on May 28 and had not returned to work since that date. The claimant had not requested to be off and did not request a leave of absence. The evidence of record is sufficient for the Carrier to find that the claimant violated Rules 2, 13, and 15, and under those circumstances, there is no justification for overruling the decision of the Carrier.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Union Member

Dated at Chicago, Illinois  
September 18, 1984

