

PUBLIC LAW BOARD NO. 1582

PARTIES) THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY
TO)
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

STATEMENT OF CLAIM: That the Carrier's decision to remove Claimant G. J. Wilson from service was unjust; That the Carrier now reinstate Claimant Wilson with seniority, vacation, all benefit rights unimpaired and pay for all wage loss as a result of investigation held August 17, 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 that rule 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 a formal investigation in Lubbock, Texas on August 1, 1984. The claimant was charged for being absent without authority from June 1, 1984 to July 9, 1984. Pursuant to the investigation, the claimant was removed from service for being in violation of Rules 13, 15, General Rules for the Guidance of Employees, 1978, Form 2626 Standard. The investigation was postponed to August 17, 1984, and was held at that time.

Track Supervisor L. B. Crowell testified that the claimant took one week's vacation during the first week in June and thereafter he talked to the claimant by long distance in Alto, New Mexico and asked him if he was coming back to work. He testified that the claimant said that he did not know. He further testified that he did not give him permission to be absent any of the days between June 1 and July 9. He further advised the claimant that if he wanted to be off, he had to contact Roadmaster McAlister in San Angelo, Texas.

The claimant did not attend the investigation. The evidence of record indicates the claimant violated the rules of the Carrier and is not interested in working for this Carrier. Under the circumstances, there is no justification for setting the discipline aside.

AWARD: Claim denied.

Preston J. Moore, Chairman

Union Member

Carrier Member

Dated at Chicago, Ill,
October 22, 1984