

PUBLIC LAW BOARD NO. 1582

PLAINTIFFS) ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY
DEFENDERS) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM: Claim in behalf of Clarence Gullick, former trackman, Eastern Division, for reinstatement and compensation for wage loss beginning December 5, 1974.


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 that an investigation was being held to determine his responsibility for being absent from work without authority. On the date of the investigation claimant was not present, and the hearing was closed at 10:45 a.m. Sometime thereafter claimant called Emporia from his home in Independence, which is approximately 112 highway miles away, and requested that the hearing be delayed. He advised he had had car trouble and would not be present.

The hearing had already been closed, and it is apparent the claimant had not made an effort to be present since he was 112 miles away from where the hearing was held. The claimant has a story which varies substantially from the testimony of the foreman. There may be a conflict of personalities. However, other evidence supports the foreman's story, such as a wire dated December 8 wherein the foreman stated the claimant walked off the job site at 10:00 a.m. and did not return to work the rest of that week.

The claimant had about 14 months seniority, and under the circumstances the Board finds no justification to overrule the decision of the Carrier.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member