

AWARD NO. 338  
Case No. 375

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 assess Claimant Ramirez thirty (30) demerits after investigation November 18, 1985 was unjust; That the Carrier now expunge thirty (30) demerits from Claimant Ramirez' record because a review of the investigation transcript reveals that substantial evidence was not introduced that indicates Claimant Ramirez is guilty of violation of rules he was charged with in the Notice of 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 the claimant was notified to attend a formal investigation at Amarillo, Texas on November 18, 1985 concerning his allegedly being absent without proper authority from his duties as Foreman on Extra Gang 65 on October 25, 1985, and to determine the facts and place responsibility, if any, involving possible violation of Rule 752 A of the Rules of Maintenance of Way and Structures. Pursuant to the investigation, the claimant was found guilty and assessed thirty demerits.


Roadmaster A. D. Rinne testified that the claimant was assigned to Extra Gang 65 under his supervision, and the claimant did not report for duty on October 25, 1985. He further testified that the claimant did not have authority to be absent. He also testified that notification of the investigation was delivered to the claimant. The claimant did not appear for the investigation.

Under these circumstances, it is the opinion of the Board that there is no justification for overruling the decision of the Carrier.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Union Member

  
Carrier Member

Dated at Chicago, Illinois  
January 17, 1986