

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 Villa thirty (30) demerits after investigation November 11, 1985 was unjust; That the Carrier now expunge thirty (30) demerits from Claimant Villa's record because a review of the investigation transcript reveals that substantial evidence was not introduced that indicates Claimant Villa is guilty of violation of rules he was charged with in the Notice of Investigation.

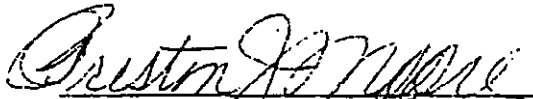
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant was notified to attend an investigation on November 11, 1985 in Lubbock, Texas, concerning his failure to report for duty on October 11, 1985 on the Big Lake Section without proper leave of absence and without proper authority, and establish responsibility, if any, for violation of rules or instructions or breach of duty on the part of the claimant. Pursuant to the investigation, the claimant was found guilty and assessed thirty demerits. The claimant did not appear for the investigation.

Roadmaster C. McAlister testified that the claimant was assigned to his Big Lake Section, which is under his jurisdiction, and that the claimant did not report for duty on October 11, 1985, and he did not have permission to be absent. B. A. Esparza, Section Foreman at Big Lake, testified to the same facts.

Under those circumstances, there is no justification for setting the discipline aside.

AWARD: Claim denied.


Preston J. Moore, Chairman


Union Member

Dated at Chicago, Illinois
January 17, 1986


Carrier Member