

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Carrier's decision to remove Illinois Trackman David Gregory from service effective August 16, 1984, was unjust. Accordingly, Carrier should be required to reinstate Claimant Gregory with seniority rights unimpaired and compensate him for all wages lost from August 16, 1984.

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 by certified mail dated August 16, 1984 that his seniority and employment were terminated due to his being absent without authority since August 6, 1984, and that he could, if he desired, request an investigation under Rule 13, Appendix 11 of the current agreement within twenty days of the date of that notice. No request for an investigation was received by the Carrier.

The evidence establishes that the claimant was a trackman on the Gilman Section, Peoria District, and was placed on August 3, 1984. On August 5, 1984 he was scheduled to report for work on Extra Gang No. 65. He did not report and did not have permission to be off, nor did he have a leave of absence. He had not reported for duty by August 15 and consequently the above notification terminating his employment was sent to the claimant.

The Board has reviewed the entire evidence of record and finds there is no violation of the agreement, and there is no justification for overruling the decision of the Carrier.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

Dated at Chicago, Ill.  
April 7, 1986

  
Union Member

  
Carrier Member