

## PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM:

1. Carrier's decision to remove former Southern Division B&B Mechanic L. P. Delcambre from service effective August 26, 1986 was unjust.
2. Accordingly Carrier should be required to reinstate claimant Delcambre to service with his seniority rights unimpaired and compensate him for all wages lost from August 26, 1986.

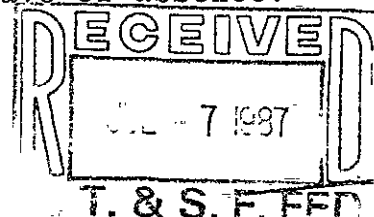
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant was notified by letter dated August 26, 1986 that he had been absent without proper authority in excess of five days. The claimant was advised that if he wished to have an investigation he could do so within twenty days of the date of the notice. The claimant requested an investigation, and he was notified to attend a formal investigation in Temple, Texas on Monday, October 13, 1986 in connection with reports alleging that he was absent without proper authority on August 11, 1986 and continuing forward, so as to determine the facts and place the responsibility, if any, involving possible violation of Rules 13 and 15, General Rules for the Guidance of Employees, Form 2626 Std.

The investigation was postponed and was held on October 20, 1986. Pursuant to the investigation the claimant was dismissed from the service of the Carrier.

W. E. Johnson, General Foreman B&B Southern Division, testified that the last day the claimant worked was August 8, 1986. He also testified the claimant did not have a leave of absence and was not authorized to be absent. He testified that previously the claimant had requested a leave of absence, but it had been denied.

This witness further stated that the leave request was in order for the claimant to go to school, and he was not aware of any leave of absence which was being granted for an employee to go to school. He stated that the claimant called him later and complained because he was not granted a leave of absence. He further testified that the claimant never submitted a written request for a leave of absence.



The claimant testified that General Foreman Johnson granted him a ten day leave of absence. The claimant further testified that he was going to attend the Southwestern Theological Seminary for the purpose of becoming a pastor, and it would take approximately two and one-half to three years to graduate.

The claimant testified that he requested a ninety day leave of absence which was denied by Mr. Johnson. He stated that when Mr. Johnson denied his request, he called Mr. Spann. The claimant testified that he told Mr. Johnson August 8 would be his last day at work and that he did not return after the ten calendar days ended on Wednesday. The claimant contended that he called Mr. Garmon besides Mr. Spann and was advised that he should be able to obtain a leave of absence.

The Board has reviewed all the evidence and testimony of record. It is evident that the claimant intended to take time off to attend school whether or not he was granted a leave of absence. He did not receive a leave of absence and was absent without authority for an extended period of time. Under those circumstances there is no justification for setting the discipline aside.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

Dated at Chicago, Illinois  
July 21, 1987

  
Union Member

  
Carrier Member