

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM:

1. That the Carrier's decision to remove Southern Division Trackman W. W. Huey from service was unjust.
2. That the Carrier now reinstate Claimant Huey with seniority, vacation, all benefit rights unimpaired and pay for all wage loss as a result of investigation held 9:15 a.m., February 2, 1987, continuing forward and/or otherwise made whole, because the Carrier did not introduce substantial, creditable evidence that proved that the Claimant violated the rules enumerated in their decision, and even if Claimant violated the rules enumerated in the decision, permanent removal from service is extreme and harsh discipline under the circumstances.

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 Temple, Texas on January 30, 1987 to develop the facts and place responsibility, if any, concerning his allegedly being absent without proper authority December 12, 15, 16, 17, 18 and 19, 1986 in possible violation of Rules 2 and 15, General Rules for the Guidance of Employees, Form 2626 Standard.

The investigation was postponed and was held on February 2, 1987. The claimant did not attend the investigation. Pursuant to the investigation the claimant was dismissed from the service of the Carrier.

L. G. Huggins testified that he was the foreman assigned to Tie Gang 65 on December 12, 1986. He testified that the claimant showed up for work at Longview approximately five minutes late on December 12, 1986. He stated that he instructed the claimant to get on the bus, that the other men were waiting for him, and the claimant responded that his throat was getting scratchy and he was going to go home. Mr. Huggins stated that he refused to grant the claimant permission to be off duty, but the claimant departed without his permission.

Mr. Huggins further testified that he had not heard from the claimant since Friday, December 12, 1986, and Foreman Richard Gohlke reported the claimant absent without official leave on December 16, 17, 18 and 19, 1986.

The Board has reviewed the evidence of record, and there is no evidence which would justify overruling the decision of the Carrier.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member

*Dated at Chicago, Illinois
October 6, 1987*


Carrier Member