

AWARD NO. 40
Case No. 43

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim in behalf of former Trackman S. K. Robinson, Middle Division, for reinstatement with seniority, vacation and all other rights unimpaired and compensate him for wage loss beginning February 20, 1975 continuing forward to date that he is restored to service.

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 discharged from the service of the Carrier for his allegedly being absent from duty without authority since June 26, 1974 and being in violation of Rule 16. Claimant was notified by certified mail to appear for an investigation but failed to do so.

The claimant had only a short tenure of service with the carrier and apparently indicated no desire to continue in service. After a study of the record there is no basis to overrule the decision of the Carrier.

AWARD: Claim denied.

sd/ Preston J. Moore,
Preston J. Moore, Chairman

sd/ S. E. Fleming
Organization Member

sd/ B. J. East
Carrier Member