

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Carrier's decision to remove former New Mexico Division Trackman Dan Bahe from service, effective June 10, 1987, was unjust.

Accordingly, Carrier should be required to reinstate Claimant Bahe to service with his seniority rights unimpaired and compensate him for all wages lost from June 10, 1987.

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.

By letter dated June 10, 1987 the Carrier notified the claimant that he was absent without permission from Steel Gang 21 at Mountainair, New Mexico on May 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 29 30 and 31.

This letter stated that the claimant was absent for 17 consecutive days without permission and notified him that he was being terminated under the Letter of Understanding dated June 13, 1976.

The claimant was further notified that he could request a formal investigation within 20 days from that notice. The claimant wrote a letter stating that he would like to return to work, and Carrier notified the claimant to attend a formal investigation in Clovis, New Mexico on June 9, 1987.

The claimant testified that he was absent from the job starting May 8, 1987 until May 31, 1987. He admitted that he did not have permission to be absent from his job.

The Board has reviewed all of the testimony of record, including the testimony of the claimant, and finds the evidence was sufficient for the Carrier to find that the claimant was in violation of Rules 2, 15 and 31B, General Rules for the Guidance of Employees, Form 2626, Std., 1978.

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

AWARD: Claim denied.

Preston J. Moore

Preston J. Moore, Chairman

C. F. Fure

Union Member

L. L. Pope

Carrier Member

Dated at Chicago, Illinois  
January 18, 1988