

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Carrier's decision to remove former Albuquerque Division Trackman Nathaniel Murphy from service, effective May 8, 1987, was unjust. Accordingly Carrier should be required to reinstate Claimant Murphy to service with his seniority rights unimpaired and compensate him for all wages lost from May 8, 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.

In this dispute the claimant was notified by letter dated April 1, 1987 that his seniority and employment with the Carrier were being terminated as of that date for his having been absent from work without proper authority commencing October 10, 1986.

The claimant was also notified that he could request a formal investigation. The claimant did so, and the investigation was held on May 8, 1987 in Winslow, Arizona. Pursuant to the investigation the claimant was found guilty and was removed from the service of the Carrier.

The claimant testified that he had been an employee for 22 months and he was a truck driver and trackman. The claimant testified he was on suspension up until October 9, 1986 and did not return to work on October 10, 1986 or anytime thereafter. He further stated that he did not secure permission to lay off prior to October 10, 1986.

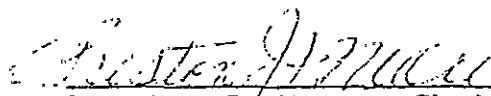
The Personnel Clerk testified that the claimant was scheduled to return to work on the morning of October 10, 1986.

The claimant testified that he attempted to get into a rehabilitation program either at Prescott or Gallup but could not get in. He stated that he was drinking pretty hard, and he was frustrated, angry and lost interest. He stated that he did thirty days altogether, combined, going through rehabilitation.

The claimant further stated that he had been seeing a counsellor in Lupton and had been trying to get back into the program at Prescott for another thirty days. He stated that he had attended a couple of AA meetings.

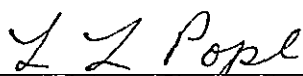
The evidence is insufficient for the Carrier to find that the claimant has rehabilitated himself.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

*Dated at Chicago, Illinois  
May 4, 1988*

  
Union Member

  
Carrier Member