

PARTIES) THE 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 Los Angeles Division Trackman J. Baca from service, effective June 26, 1987, was unjust.

2. Accordingly, Carrier should be required to reinstate the claimant Baca to service with his seniority rights unimpaired and compensate him for all wages lost from June 26, 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 Carrier notified the claimant by letter dated June 26, 1987 that his employment was terminated due to his being absent without proper authority commencing June 22, 1987. The claimant was also advised in this letter that he could request an investigation.

By letter dated July 6, 1987 the claimant requested an investigation. The investigation was held on August 14, 1987. The claimant did not appear for the investigation although the Carrier notified him of the investigation by certified mail dated July 27, 1987. Pursuant to the investigation the claimant was dismissed from the service of the Carrier.

Roadmaster R. L. King testified that the claimant was assigned to his gang on June 22, 1987. This witness testified that the claimant did not report for duty on June 22 or any date thereafter. He also stated that the claimant had not been authorized to be absent on any of those dates. Roadmaster King also stated that the claimant's foreman did not authorize the claimant to be absent, and further, he had not heard from the claimant.

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

AWARD: Claim denied.

Preston J. Moore
Preston J. Moore, Chairman

Dated at Chicago, Illinois
September 15, 1988

C. F. Fosse
Union Member

L. L. Pope
Carrier Member