

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 Middle Division B&B Carpenter L. H. Beasley from service was unjust.
2. That the Carrier now reinstate Claimant Beasley with seniority, vacation, all benefit rights unimpaired and pay for all wage loss as a result of investigation held July 18, 1988 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 that his seniority and employment had been terminated due to his being absent without proper authority on June 16, 20, 21, 22, 23 and 27, 1988. In this letter which was dated June 27, 1988 the claimant was also advised that he could request a formal investigation within twenty days of that notice.

A formal investigation was postponed and finally held in Oklahoma City, Oklahoma on July 18, 1988. The claimant did not appear at the investigation, although it was set on the date which he had requested. Pursuant to this investigation, the claimant was found guilty and was dismissed from the service of the Carrier.

James Craft, Supervisor Structures, headquartered in Oklahoma City, testified that the claimant was working under his jurisdiction and was assigned to B&B Gang No. 15 of Bill Webster. He testified the claimant had not contacted him since the notice of investigation was sent.

William M. Webster, B&B Foreman of Gang No. 15, testified that the claimant was a member of his gang, and the claimant had not contacted him since June 16.

At this point the investigation was recessed until 10:07 a.m., but the claimant still did not appear.

Foreman Webster then testified that the claimant was given a copy of Safety and General Rules for All Employees, Form 2629 Standard, during the week of May 15 or the week before that.

William Hopper, Superintendent in Oklahoma City, testified that the claimant called him the morning of June 20 and advised that his automobile had broken down, and he would be at work as soon as the tow truck had picked up his automobile.

The evidence establishes that there was sufficient evidence for the Carrier to find that the claimant was guilty. The evidence also establishes that the claimant was discharged on August 22, 1985 and was reinstated by the decision of Public Law Board No. 2774.

Under the circumstances herein there is no justification to set the decision of the Carrier aside.

AWARD: Claim denied.


Preston J. Moore, Chairman

*Dated at Chicago, Illinois
September 15, 1988*


Union Member


Carrier Member