

AWARD NO. 479
Case No. 513

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 California Division Trackman Robert A. Baird from service effective August 15, 1989 was unwarranted, unjustified and not supported by the rules.

Accordingly, Carrier should now be required to reinstate the claimant to his former position with seniority, vacation and all benefit rights restored and compensated for all wage loss and/or made whole beginning August 15, 1989 forward.

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 September 19, 1989 that he was removed from service effective August 14, 1989 for failure to displace under Rule 3(c) of the current Maintenance of Way Agreement within seven calendar days after being displaced.

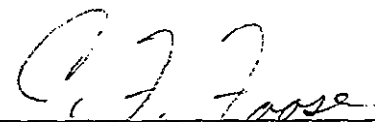
The Union filed an appeal which was denied on the basis of Rule 3(c) of the Agreement.


The Board has reviewed all of the circumstances and finds there is no justification to set the decision of the Carrier aside.

AWARD: Claim denied.

*Dated at Chicago, Illinois
March 26, 1990*


Preston J. Moore, Chairman


Union Member


Carrier Member