

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. Carrier's decision to remove former Central Region Trackman D. W. Leon from service, effective February 10, 1993, was unjust.
2. Accordingly, Carrier should be required to reinstate Claimant Leon to service with his seniority rights unimpaired and compensate him for all wages lost from February 10, 1993.

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 charged with being absent without authority on December 14, 15, 17, 18, 21, 22 and 23 of 1992. The claimant was notified by letter to attend a formal investigation in Newton, Kansas at 10:00 a.m. concerning his being absent from duty without proper authority on the above dates.

The claimant did not appear for the investigation which was held on January 20, 1993. Mr. E. J. Blado appeared at the investigation from the Brotherhood of Maintenance of Way Employees, and he was prepared to represent the claimant at that time.

Mr. Blado stated that the weather was bad on the date in question, and the claimant may have been unable to drive to Newton. On the other hand, Assistant Superintendent/Maintenance B. L. Draper testified that he drove from Wellington that morning and averaged 50 miles per hour.

Pursuant to the investigation the claimant was found guilty of being absent from duty without proper authority and consequently was in violation of Rule 1004, Safety and General Rules for all Employees.

The evidence establishes that the notice of the investigation was sent to the claimant by certified mail. The claimant failed to contact either the Carrier or his representative from the Brotherhood of Maintenance of Way Employees.

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

AWARD: Claim denied.

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Dated at Schaumburg, Illinois
September 14, 1993

Preston J. Moore
Preston J. Moore, Chairman

C. J. Jones
Union Member

L. L. Pope
Carrier Member