

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 Western Region Trackman J. M. Adador from service, effective October 9, 1992, was unjust.
2. Accordingly, Carrier should be required to reinstate Claimant Amador to service with his seniority rights unimpaired and compensate him for all wages lost from October 9, 1992.

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 Assistant Regional Manager-Roadway Maintenance F. E. McBee wrote to claimant Amador by certified letter, return receipt requested, with a copy to M. E. Hemphill, General Chairman of the Brotherhood of Maintenance of Way Employees, advising the claimant of the termination of his seniority and employment for being absent from duty without authority for more than five consecutive work days commencing September 14, 1992.

The claimant did not respond to the letter of termination. The Union contends the certified letter was picked up by an unknown individual, and the claimant was not aware of the termination of his seniority and employment until after the 20 days in which to request an investigation had passed.

However, the Carrier points up that the October 9, 1992 certified letter was received and signed for by the claimant on October 13, 1992.

Under the circumstances herein there is no justification to set the discharge aside.

AWARD: Claim denied.

*Date at Schaumburg, Illinois
September 14, 1993*

Preston J. Moore
Preston J. Moore, Chairman

C. J. Farn
Union Member

L L Pope
Carrier Member