

PUBLIC LAW BOARD NO. 1582

PARTIES) THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY
TO)
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM: Claim in behalf of Ernest Davis for reinstatement to his former position as trackman on the Albuquerque Division with seniority, vacation and all other rights unimpaired and compensation for wage loss beginning January 20, 1975 continuing forward to date he is restored to service.


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 claimant was dismissed from the service of the Carrier for his alleged violation of Rule 16. Rule 16 requires an employee to report for duty when called and not to absent himself from duty without proper authority. The evidence of the investigation is definitive and establishes without doubt that the claimant was absent from duty without authority on December 16, 1974 in violation of Rule 16.

An examination of the transcript and testimony reveals that claimant has a very poor record. In fact, claimant has been removed from service twice previously for the same offense and in recent years has been absent on several occasions without authority. Evidence indicates that claimant has made it a practice and a custom to be absent without authority and without getting any excuse for his being absent.

Claimant's guilt has been clearly established, and there is nothing in the record which would justify overruling the decision of the Carrier on the basis that the discipline was harsh or unjust. Claimant has a very poor service record, and therefore the Board has no alternative but to decline the claim.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member