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 former·Trackman K. T. Francis, Los Angeles Division for reinstatement to his former position with seniority, vacation and all other rights unimpaired and compensation for wage loss beginning August 15, 1975 continuing forward to date that 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 allegedly being absent from duty without authority from July 16 through August 1, 1975 in violation of General Rules of the Carrier.

The Board has examined the transcript of record and the testimony which reveals claimant was absent from duty commencing July 16 and that claimant was aware that he was required to obtain authority to lay off from his immediate supervisor when he was going to be absent from duty.

Claimant previously had been absent from duty without authority and when he said he had a good personal reason he was not disciplined but was cautioned about being absent in the future. Claimant's absences from work continued off and on for several months. On July 16 the claimant failed to report for work and was off through August 1 without authority. The Carrier contends that the claimant has a very poor record and that permanent dismissal is justified.

The Board has examined the transcript of record and finds claimant has a poor record and failed to appear for the investigation. His failure to appear at the investigation indicates a lack of desire to work for the Carrier. There is nothing in the record which would justify the Board overruling the decision of the Carrier.

AWARD: Claim denied.

sd/ Preston J. Moore
Preston J. Moore, Chairman

sd/ S. E. Fleming
Organization Member

sd/ B. J. East
Carrier Member