

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim in behalf of former Trackman Algie McGowan for reinstatement to his former position with seniority, vacation and all other rights unimpaired with pay for time lost commencing on June 1, 1976 continuing forward until Mr. McGowan is returned to service with the carrier.

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 absenting himself from work without authority and was given notice to attend a formal investigation on June 1, 1976. Pursuant to the investigation the claimant was dismissed from the service of the Carrier.

The Organization contends the discipline assessed was arbitrary and that claimant was denied due process and that the discipline was capricious and discriminatory in that the discipline was not comparable to that assessed other employees. The Organization also contends the evidence did not support the charge, and that claimant was not guilty of being absent without authority.

The claimant was notified his case was going to be heard before this Public Law Board and was advised he was privileged to appear in person, or by a representative of his choice if he so desired. Claimant did not appear at this hearing, and the Union represented him in this matter.

Evidence of record indicates claimant absented himself from work without authority commencing May 3, 1976 and was notified on May 24, 1976 to attend the formal investigation. The investigation was held as scheduled, and the evidence establishes the fact that the claimant was absent without authority. Claimant has an extremely poor work record, and under the circumstances the Board finds no justification to overrule the decision of the Carrier.

AWARD: Claim denied.

sd/ S. E. Fleming
Organization Member

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

sd/ B. J. East
Carrier Member