

PUBLIC LAW BOARD NO. 1760

Award No. 101

Case No. 101
File MW-STL-85-7

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute Norfolk and Western Railway Company

Statement

of Claim: Claim on behalf of K. L. Harris requesting that he be reinstated and paid for time lost as a result of his dismissal for failure to perform duties properly as a machine operator for being absent from work without proper authority.

Findings: The Board has jurisdiction of this case by reason of the parties Agreement establishing this Board.

Claimant Machine Operator requested and was granted a one month leave of absence to take care of personal problems. He was granted the leave with the specific understanding that he would report back to duty on April 8, 1988. Claimant failed to report for work on April 8. He did not telephone anyone connected with the railroad. In fact, Carrier attempted to call Claimant and found that his number on file had been disconnected. On April 15, Claimant called Carrier and advised that he was ready to return to work. He was told that he could not return until an investigation was held for absenting himself from work without proper authority from April 8-14.

Following a formal investigation in connection with the absences Claimant was found guilty and discharged from service as discipline therefor.

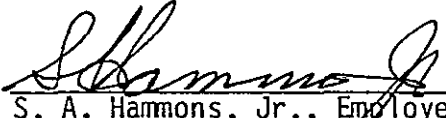
Claimant was accorded the due process to which entitled.

There was sufficient evidence to support Carrier's conclusion as to Claimant's culpability.


The Board will grant Claimant a conditional reinstatement with all rights unimpaired but without pay for time out of service. He is to be placed in a probationary status for one year. This is his last chance opportunity to demonstrate to the Carrier and to the Union that he wants to be a full time employee and that he has licked his problem.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within
thirty (30) days of date of issuance shown below.


S. A. Hammons, Jr., Employee Member


L. F. Miller, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued Augustu 30, 1989.