

PL Bd 2182

Award No. 10

Case No. 11

Docket No. MW-78-15

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Southern Pacific Transportation Company
-Texas and Louisiana Lines-

Statement of Claim 1. Carrier violated the effective Agreement when Lafayette Division Track Laborer E.M. Roberts was unjustly dismissed on December 2, 1977, for alleged violation of Rule 810.
2. Claimant E.M. Roberts be reinstated to his former position, with pay for all time lost, vacation, seniority and all other rights unimpaired.

Findings The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated May 22, 1978, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant, a Track Laborer, was dismissed from service by letter dated December 1, 1977 for being absent from his employment without authority on December 1, 1977, which is a violation of Rule 810.

Claimant requested and was given a hearing at Beaumont, Texas, December 15, 1977. Carrier concluded as a result thereof that Claimant was guilty as charged and he was so notified.

The Board concludes that Claimant had a fair hearing.

There was sufficient evidence adduced to support the conclusions reached by Carrier as to Claimant's culpability.

The Board would not ordinarily interfere with the discipline assessed, however, in the particular circumstances it finds circumstances which serve to mitigate

the discipline assessed. Claimant will be reinstated to service without pay with all rights unimpaired but placed on a probationary status for a six month period. In addition to Claimant passing the necessary return to service examination, he and his local union representative should meet with his supervisor for a joint review of Claimant's obligation to protect Carrier's requirement of service.

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.

M.A. Christie

M. A. Christie, Employee Member

R.W. Hickman

R. W. Hickman, Carrier Member

Arthur T. Van Wart

Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Wilmington, Delaware, March 31, 1979.