

PUBLIC LAW BOARD NO. 2444

Award No. 2

Case No. 2

Docket No. MW 78-105

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute: Southern Pacific Transportation Company  
(Texas and Louisiana Lines)

Statement of 1. Carrier violated the effective Agreement when Track Laborer  
E. R. Boutte was unjustly dismissed on May 2, 1978.

Claim: 2. Claimant E. R. Boutte shall be reinstated to his former position,  
with pay for all time lost and with all 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 July 19, 1979, that it has jurisdiction of the parties  
and the subject matter, and that the parties were given due notice of the  
hearing held.

Claimant received the following letter dated May 2, 1978:

"You are dismissed from the service of Southern Pacific Transportation  
Company for being absent from your employment as Lafayette Division  
Track Laborer without authority from April 24, 1978 through May 1, 1978,  
which is violation of that portion of Rule 810 of General Notice, General  
Rules and Regulations effective October 31, 1976 of Southern Pacific  
Transportation Company, which reads as follows:

"Employees must report for duty at the prescribed time and  
place, remain at their post of duty and devote themselves  
exclusively to their duties during their tour of duty. They must  
not absent themselves from their employment without proper  
authority...."

Please surrender any company property you may have in your possession to  
roadmaster's office in Beaumont, Texas."

Claimant requested a hearing which was granted and held May 19, 1978.

As a result thereof Claimant received the following letter from his  
Division Engineer, in pertinent part, reading:

"I have reviewed the transcript of the hearing and this is to advise  
you that position as stated in my letter of May 2, 1978 is sustained."

The Board finds that Claimant was accorded the due process to which

he was entitled under Rule 14 - Discipline and Grievances.

There was sufficient evidence to support the conclusion of Carrier that Claimant was proven guilty as charged.

In view of Claimant's service record, the discipline assessed is found to be reasonable. In the circumstances, this claim will be denied.

AWARD: Claim denied.

*M. A. Christie*

M. A. Christie, Employee Member

*C. B. Goyne*

C. B. Goyne, Carrier Member

*Arthur T. Van Wart*

Arthur T. Van Wart, Chairman  
and Neutral Member

Issued at Salem, New Jersey, February 7, 1980.