

PUBLIC LAW BOARD NO. 2444

Award No. 34

Case No. 47

Docket No. MW 80-74

|                          |   |
|--------------------------|---|
| Parties                  | Brotherhood of Maintenance of Way Employees   |
| to                       | and   |
| Dispute                  | Southern Pacific Transportation Company<br>(Texas and Louisiana Lines)  |
| Statement<br>of<br>Claim | <p>1. Carrier violated the effective Agreement when Laborer Donald N. Stamps was unjustly dismissed on March 5, 1980.</p> <p>2. Claimant Stamps shall be reinstated to his former position with pay for all time lost, vacation, seniority and all other rights unimpaired.</p>   |
| Findings                 | <p>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.</p> <p>Claimant, a Laborer in Houston Division Extra Gang 243, was notified, under date of March 10, 1980 by the Regional Maintenance of Way Manager as follows:</p> <p>"You were instructed by Foreman Al Hahn on March 5, 1980 to unload anchors from the truck, and you stopped during your job and went to the bus and sat down and ate your lunch at 10:15 AM. You were absent from your job assignment without proper authority which is in violation of Rule M811 of the General Rules and Regulations of the Southern Pacific Transportation Company. Rule M811 reads in part as follows:</p> |

'Rule M811: Employees must not absent themselves from their places,...without proper authority.'

For your violation of Rule M811, you are dismissed from the service of the Southern Pacific Transportation Company..."

A hearing was requested and granted and held on March 25, 1980. As a result thereof Claimant was advised under date of March 21, 1980 that the dismissal as outlined in the letter of March 10, 1980 would stand.

The Board finds that Claimant received the due process to which entitled under his discipline rule.


There was sufficient evidence adduced to support the conclusion reached by Carrier.

In view of Claimants short period of service with Carrier the Board finds that the discipline assessed is reasonable. This Claim will be denied.

Award

Claim denied.

  
M. A. Christie, Employee Member

  
C. B. Goyne, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member