

PUBLIC LAW BOARD NO. 2444

Award No. 54

Case No. 68

Docket No. MW-71

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 Track Laborer O. L. Smith was unjustly dismissed on January 8, 1981.  
2. Claimant Smith shall now 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 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, a track laborer, on extra gang 243 on the Galveston District, had been employed for almost three years. He was advised under date of January 12, 1981 as follows:

"You were absent from your job assignment without proper authority on January 8, 1981 which is in violation of Rule M810 of the General Rules and Regulations of the Southern Pacific Transportation Company, as posted by General Notice. Rule M810 reads in part as follows:

Rule M810:

'Employees must report for duty at the prescribed time and place....They must not absent themselves from their employment without proper authority...."

Claimant requested and was granted a hearing which was held February 5, 1981. As a result thereof Claimant was advised that the discipline of dismissal was sustained.


The Board finds that Claimant was accorded the due process to which entitled under Article 14 - Discipline and Grievance.

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

The Board finds that on the basis of this record and Claimant's personal record which indicated that he had been previously dismissed for violation of Rule M810 that the discipline assessed in the instant case is reasonable.

AWARD: Claim denied.

  
M. A. Christie, Employee Member

  
C. B. Goyne, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued at Falmouth, Massachusetts, June 10, 1982.