

PUBLIC LAW BOARD NO. 2444

Award No. 6

Case No. 10

Docket No. MW-78-125

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 Laborer Ray Bergara was unjustly dismissed July 12, 1978.
2. Claimant Ray Bergara shall be reinstated to his former position, with pay for all time lost, and with all seniority, vacation and other rights unimpaired, due to his being unjustly dismissed by letter dated July 12, 1978.

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 was advised by his Division Engineer, under date of July 12, 1978, as follows:

"You were absent from your job assignment without proper authority on July 12, 1978 which is in violation of Rule 810 of the General Rules and Regulations of the Southern Pacific Transportation Company ...which reads in part as follows:

Rule 810:

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

You are dismissed from the service of the Southern Pacific Transportation Company for your violation of Rule 810...."

Claimant requested and was granted a hearing July 27, 1978. As a

result thereof it was concluded that Claimant was guilty and Carrier sustained its original decision of dismissal.

The Board finds that Claimant was accorded all the rights prescribed in his Discipline Rule - Article 14.

There was sufficient evidence to support Carrier's conclusion as to Claimant's culpability. The discipline was reasonable. This is particularly so in view of Claimant's poor service record. Inasmuch as this dismissal represents Claimant's second dismissal, this claim will be denied.

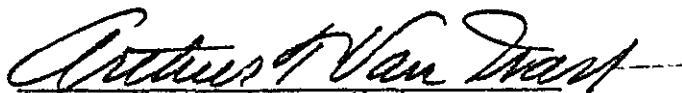
AWARD: Claim denied.



M. A. Christie, Employee Member



C. B. Goyne, Carrier Member



Arthur T. Van Wart, Chairman
and Neutral Member

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