

PUBLIC LAW BOARD NO. 2444

Award No. 77

Case No. 91

Docket No. MW-81-183  
329-10-A

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Southern Pacific Transportation Company  
(Texas and Louisiana Lines)

Statement

of Claim: We are appealing to you a claim on behalf of Track Laborer D. R. Jackson assigned to extra gang 106 for reinstatement to his former position with his personal record cleared of the alleged charges and with all seniority, vacation rights and any other rights accruing to him unimpaired in addition to all pay lost commencing August 31, 1981, and to run concurrently until such time that he is restored to service.

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 for approximately three years, was assigned to Extra Gang No. 106. He was advised, under date of August 31, 1981, by the Regional Maintenance of Way Manager as follows:

"You are dismissed from the service of Southern Pacific Transportation for being absent from your employment as a Track Laborer, Lafayette Division, without proper authority August 27 and 28, 1981, which is in violation of Rule M and 801 of the General Rules and Regulations of General Notice effective April 1, 1978, Southern Pacific Transportation Company..."

As a result of the hearing requested and granted Claimant was advised that the discipline as assessed was sustained.

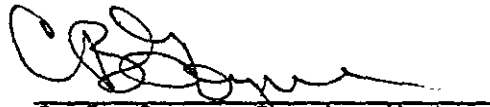
The Board finds that the Claimant was accorded the due process to which entitled under his rule.


There was sufficient evidence adduced to support the conclusion reached by Carrier as to Claimant's guilt. The discipline assessed on this record, is found to be 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

Issued March 14, 1983.