

PUBLIC LAW BOARD NO. 2444

Award No. 78

Case No. 92

Docket No. MW-81-185  
329-11-A

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Southern Pacific Transportation Company  
(Texas and Louisiana Lines)

Statement

of Claim: Claim of BMW and Machine Operator Joe L. Saucedo for reinstatement to his former position with pay for all time lost, with all seniority, vacation, and all other rights due him unimpaired, alleging unjustly dismissed.

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 Machine Operator was advised under date of July 7, 1981 by Regional Maintenance of Way Manager as follows:

"You absented yourself from your job assignment without proper authority July 3 and 6, 1981 which is in violation of Rule M 810 of the General Rules and Regulations of the Southern Pacific Transportation Company, as posted by General Notice. Rule M 810 reads in part as follows:

'RULE M 810:

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

For your violation of Rule M 810 you are dismissed from the service of the Southern Pacific Transportation Company..."

Claimant requested and was granted a hearing which was held on July 30, 1981. As a result thereof Carrier advised Claimant that its decision of dismissal was sustained.

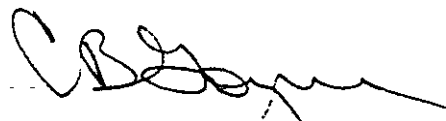
The Board finds that Claimant was accorded the due process to which entitled under his discipline rule.

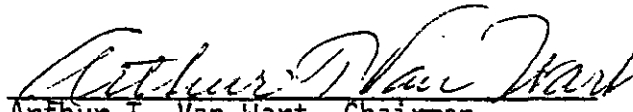
There was sufficient evidence adduced, including the admissions of Claimant, to support the decision reached by Carrier as to Claimant's guilt.

Thus, Claimant might well have had a justifiable reason for his absence. However, the fact that he did not want other employees to know about such reason, other than Carrier's representative, which, incidentally, he failed to so advise, is not sufficient reason for his failure to comply with Rule M 810. Claimant's record is such that it provides no cause for the Board to interfere with the assessment of the discipline assessed. The 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.