

PUBLIC LAW BOARD NO. 2444

Award No. 90

Case No. 104

Docket No. MW-82-50

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Southern Pacific Transportation Company
(Texas and Louisiana Lines)

Statement

of Claim: Claim of BMWE and System Machine Operator John Gonzales for reinstatement to his former position with pay for all time lost with all seniority, vacation and other rights unimpaired and his record cleared of all charges, 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, a System Machine Operator with Extra Gang 35, had been employed by Carrier for some 31 months when he was advised under date of December 30, 1981 by the Regional Maintenance of Way Manager, in part, as follows:

"You have been absent from your job assignment without proper authority from December 17, 1981 to date which is in violation of Rule M810 of the General Rules and Regulations of the Southern Pacific Transportation Company as posted by General Notice.


For your violation of Rule M810, you are dismissed from service of the Southern Pacific Transportation Company..."


Claimant requested and was granted a hearing which was held on January 21, 1982. As a result thereof, he was advised that the discipline was sustained.

The Board finds that there was sufficient evidence adduced to support the conclusion reached by Carrier as to Claimant's culpability.

The Board finds no cause in the record to interfere with the discipline assessed. 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 May 11, 1983.