

PUBLIC LAW BOARD NO. 2774

Award No. 27
Case No. 36

PARTIES
TO
DISPUTE

Brotherhood of Maintenance of Way Employees
and
Atchison, Topeka and Santa Fe Railway Company

STATEMENT
OF CLAIM

- "1. That the dismissal of Eastern Line Group Six Welder Helper Elvis Pete was unjust.
2. That Claimant Elvis Pete be reinstated to service with seniority, vacation, all benefit rights unimpaired, pay for wage loss and/or otherwise made whole."

FINDINGS

Upon the whole record, after hearing, the Board finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted under Public Law 89-456 and has jurisdiction of the parties and the subject matter.

Claimant had been employed by Carrier as a Trackman on June 18, 1979. On July 22, 1980 Carrier directed a letter to Claimant indicating that he had been absent without authority since July 2, 1980. The letter indicated that he could, within twenty days of the date of the notice, request an investigation under the Agreement. There was no response from Claimant. No circumstances were advanced by Petitioner which would justify Claimant's absence from duty for the period in question. Since Carrier established that he had not worked for a period of more than ten days without proper authority and did not receive proper notice of termination there appears to be no merit to the claim. It must be denied.

AWARD

Claim denied.

I. M. Lieberman
I.M. Lieberman, Neutral-Chairman

S. E. F. L...

McCarthy