

PUBLIC LAW BOARD NO. 2774

Award No. 43

Case No. 52

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 Valley Division Trackman, J.B. Paywa, was unjust.
2. That the Carrier shall reinstate J.B. Paywa with seniority, vacation, all rights unimpaired and pay for all wage loss beginning October 31, 1980, continuing forward 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.


This is a disciplinary dispute in which Claimant was charged for being absent without authority on October 13, 1980, and thereafter. His seniority was terminated by the Carrier on October 31, 1980, in accordance with a Letter of Understanding with the Organization dated July 13, 1976, due to his absences.

From the entire record it is apparent that Claimant, who had only four months of service with Carrier, did not like an assignment to which he had been sent by Carrier and hence decided specifically not to report on the date indicated. Under the circumstances and since employees have

an obligation to report for work or secure permission to be absent and this was not done, there appears to be no circumstance which would mitigate the decision reached by the Carrier. In short, the absence was an unexcused and intolerable one and should not have been condoned by the Carrier. Thus, the discipline imposed appears to be perfectly appropriate and the claim must be denied.

AWARD

Claim denied.



F. M. Lieberman, Neutral Chairman



G. M. Garmon, Carrier Member



S. E. Fleming, Employee Member

February 8 , 1983
Chicago, IL