

Award No. 39
Case No. 39

PUBLIC LAW BOARD NO. 4244

PARTIES) ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY
TO) AND
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

STATEMENT OF CLAIM: Carrier's decision to remove former Kansas Division Trackman G. G. Hilliard from service, effective August 5, 1988, was unjust.

Accordingly, Carrier should be required to reinstate Claimant Hilliard to service with his seniority rights unimpaired and compensate him for all wages lost from August 5, 1988.

FINDINGS: This Public Law Board No. 4244 (the "Board") finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended. Further, the Board has jurisdiction over the parties and the subject matter involved.

In this dispute former Kansas Division Trackman G. G. Hilliard (the "Claimant") was notified on August 5, 1988 that his seniority and employment with the Carrier were terminated due to his being absent from duty without authority. The letter further advised him that pursuant to Rule 13 of the current agreement he had twenty (20) days to request a formal investigation if he so desired. On August 15, 1988, the Claimant requested a formal investigation, and it was scheduled for September 12, 1988.

The record shows that the Claimant did not attend the formal investigation. The record further shows that it was established at the formal investigation by the Carrier that the Claimant was properly notified of the charges against him and that he was absent from duty without authority.

After reviewing the testimony and evidence of record, it is the Board's opinion that the Carrier properly terminated the Claimant's seniority pursuant to the terms of the current agreement. Accordingly, there is no justification to set the discipline aside.

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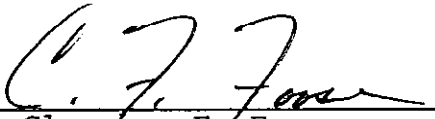
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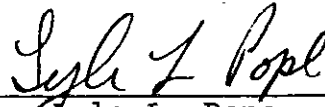
AWARD: Claim denied.



Alan J. Fisher, Chairman
and Neutral Member



Clarence F. Foose
Organization Member



Lyle L. Pope
Carrier Member

Dated: August 28, 1989
Chicago, Illinois