

Award No. 47
Case No. 48

PUBLIC LAW BOARD NO. 4244

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

STATEMENT OF CLAIM: Carrier's decision to remove Texas Division Trackman G. Z. Diaz from service was unjust.

Accordingly, Carrier should be required to reinstate Claimant Welch to service with his seniority rights unimpaired and compensate him for all wages lost from July 22, 1987.

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 Texas Division Trackman G. Z. Diaz (the "Claimant") was notified by Superintendent J. M. Martin in a letter dated July 22, 1987 that his seniority and employment were being terminated for being absent without proper authority or approved leave of absence since July 7, 1987. He was further advised that he had twenty (20) days from the date of the letter to request an investigation under Rule No. 13 of the Agreement.

The undisputed record showed that the Claimant was absent from duty without proper authority more than five consecutive days. The record also showed that the Claimant did not request an investigation within 20 days from the date of Mr. Martin's letter. Because the Claimant failed to request an investigation the Carrier properly terminated his seniority and employment under the terms of the Letter of Understanding dated July 13, 1976 (Appendix No. 11).

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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: December 12, 1989
Chicago, Illinois