

PUBLIC LAW BOARD NO. 5396

Parties
to the
Dispute

:	:	:
:	:	:
:	BROTHERHOOD OF MAINTENANCE	:
:	OF WAY EMPLOYES	:
:		PLB Case No. 4
:	and	:
:		NMB Case No. 4
:	SOUTHERN PACIFIC TRANSPORTATION	:
:	COMPANY	:
:	(Western Lines)	:
:		:
:		:

STATEMENT OF CLAIM

1. That the Carrier violated the current Agreement when it dismissed Track Laborer Jimmy Longhair. Said action being excessive, unduly harsh and in abuse of discretion.
2. That the Carrier now reinstate Claimant to his former Carrier position with seniority and all other rights restored unimpaired, with pay for all loss suffered, and his record cleared of all charges.

FINDINGS

Claimant, Track Laborer Jimmy Longhair, was called to an investigation on March 1, 1991, into the charge of having violated Rule 604 (Duty-Reporting or Absence) for being

absent from duty without proper authority and failing to protect his employment from November 28, 1990, forward. The investigation was held in absentia. By letter dated March 6, 1991, the charge was sustained and Claimant was terminated from service. Claimant had previously been notified of Carrier's intent to discharge him by letter dated January 28, 1991.

The Organization objects to the fact that its request at the hearing for a postponement was denied. After Claimant wrote to ask for an investigation, Carrier scheduled it so that he would have sufficient time to be released from jail and travel from Gallup, New Mexico, to Tucson, Arizona. He did not appear. The record contains no explanation for why he was not present, either in the transcript or thereafter on the property. Under the circumstances, Carrier cannot be faulted for having proceeded.

The record is also clear that Claimant absented himself from work without proper authority. This Board has

previously held that job abandonment constitutes reasonable grounds for severing the employment relationship.

AWARD

Claim denied.

C.H. Gold

C.H. Gold, Neutral Chairman

C.F. Foose

C.F. Foose, Employee Member

K.E. Johnson

K.E. Johnson, Carrier Member

8-29-94

Date of Approval