

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: (1) That the Carrier violated the Agreement between the parties particularly, but not limited to, Article V thereof when they dismissed Northern Division Trackman E. Gandara from service March 8, 1979 as a result of formal investigation held February 2, 1979, said dismissal being arbitrary and abusive.

(2) That the Carrier now reinstate Mr. Gandara to service with seniority, vacation, all other benefit rights unimpaired and pay for all wage loss that resulted from his unjust dismissal on March 8, 1979.

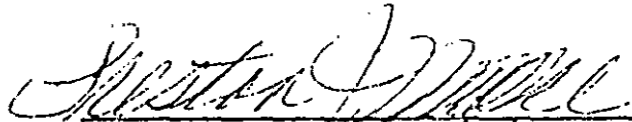
FINDINGS: This Public Law Board finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

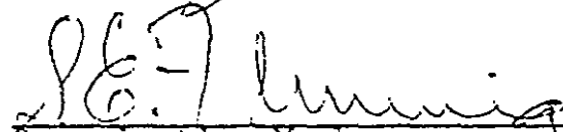
In this dispute the claimant was employed on January 10, 1972. The claimant was notified on January 29, 1979 to attend an investigation to be held February 2, 1979 to determine the facts and place the responsibility in regard to the claimant's possible violation of Rules 2, 13 and 15, General Rules for the Guidance of Employees.

The investigation was held as scheduled, but the claimant did not attend. Evidence indicates that there was no reason why the claimant could not have attended the investigation if he had so desired.

The Board has carefully considered all of the allegation of the Organization in support of this claim, but the fact remains that the claimant was absent from duty without authority. In view of the fact that the claimant had an extremely poor record, having previously been absent without any authority many times, and having been previously discharged in 1976, there is no evidence which justifies overruling the decision of the Carrier.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member

Dated April 7, 1980