

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim of former Los Angeles Division Machine Operator R. E. Haney, Sr., "for reinstatement to his former position with seniority, vacation and all other rights unimpaired and compensation for wage loss he may have as a result of his removal from service beginning July 8, 1974, continuing forward to date he is restored to service."

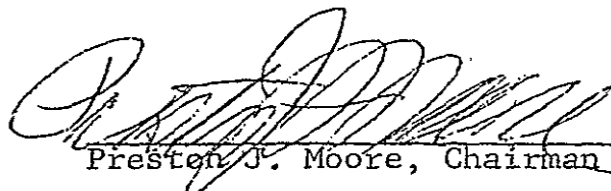
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant was charged with failing to protect his assignment February 12, 1974 and the days subsequent thereto in violation of Rule 16. The Organization contends that claimant requested a 90 day leave of absence and that the request was denied. The Organization further contends that the discipline assessed was harsh, arbitrary and unjust.


Evidence of record establishes that claimant was absent from duty without authority commencing February 12, 1974. Claimant's wife wrote a letter on February 19, 1974 stating claimant had to go back east and would return around the first of March. The Carrier also received a letter dated March 4, 1974 requesting an additional 60 days leave of absence. Claimant was never granted a leave of absence from the Carrier. The facts developed that the claimant was in fact in jail.

The Board has studied all the facts and circumstances involved in this case and finds there is no basis whatsoever for overruling the decision of the Carrier. Under the facts herein the Board cannot find that permanent dismissal is harsh, arbitrary or unjust.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member

January 2, 1976