

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 in behalf of former Albuquerque Division Trackman J. Chaco "for reinstatement to his former position of trackman on the Albuquerque Division with seniority, vacation and all other rights unimpaired and compensation for wage loss beginning July 16, 1974 continuing forward until date he is restored to service."

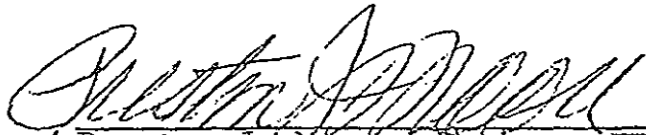
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

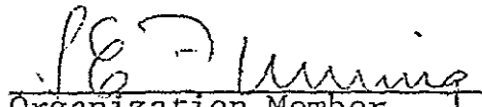
In this dispute claimant was dismissed from the service of the Carrier for violation of Rule 16. The Organization contends there was no proof that claimant received notice of the investigation and that the discipline assessed was harsh, arbitrary and unjust.

The Carrier contends that the notice of the investigation was mailed to the claimant at his last known address. The Carrier further points out that claimant has been in violation of the same rule on four previous occasions.


It is the finding of the Board that there is ample evidence "to find that claimant was guilty as charged. Many decisions of the Third Division have held that the only requirement of the Carrier in notifying the claimant is to mail notice to the claimant at his last known address listed with the Carrier. The claimant did not object for some time after his dismissal. Apparently the claimant does not place much value upon his tenure or seniority. With the facts existing as they do in the present case, the Board is unable to find that permanent dismissal is harsh, arbitrary or unjust. Under these circumstances, the claim will be denied.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member

January 2, 1976


Carrier Member