

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claims in behalf of former Southern Division Trackman W. C. Payne as follows:

- (1) Claim for removal of thirty (30) demerits assessed his personal record as a result of investigation conducted on October 12, 1979.
- (2) Claim for reinstatement to service with seniority and other rights unimpaired and pay for all time lost commencing October 12, 1979, continuing forward until he is reinstated. Such compensation to accrue interest at six (6) per cent per annum.

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.

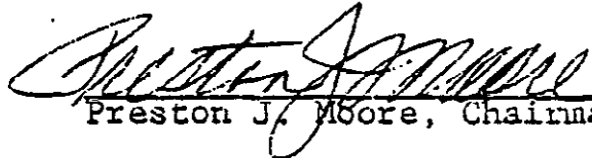
In this dispute the claimant was charged with being absent from duty without authority and for belatedly reporting an alleged on-duty injury. The claimant was assessed thirty demerits for being absent without authority and was discharged for his failure to report the alleged on-duty injury in accordance with the rules.

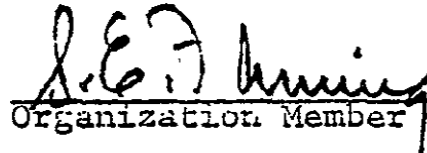
The transcript and the exhibits submitted have been carefully considered, and it is clear and convincing that the claimant did not seek medical attention for his alleged injury for some twenty days and did not report the alleged injury to Company officers for some forty days after the alleged occurrence. The claimant admitted he understood it was his responsibility to do so.

Evidence also indicates the claimant approached one member of his gang attempting to obtain a false statement concerning his alleged injury. The evidence also establishes that the claimant was absent without authority during the period from August 15, 1979 through August 27, 1979.

Therefore, it is the finding of the Board that there is no justification to set aside the discipline assessed by the Carrier.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Organization Member

  
Carrier Member