

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: That the Carrier's decision to remove Plains Division Trackman G. M. Roberts from service was unjust.

That the Carrier now reinstate claimant with seniority, vacation, all benefit rights unimpaired and pay for all wage loss beginning November 29, 1982 continuing forward and/or otherwise made whole, because the Carrier did not introduce substantial evidence that proved that the claimant violated the rules enumerated in their decision, and even if claimant violated the rules enumerated in the decision, permanent removal from service is extreme and harsh discipline under the circumstances.

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 had just been recalled and was instructed to report to Section 77. The claimant worked September 24, 1982 and was absent on Monday without calling in. Claimant called in on Tuesday and apparently advised Roadmaster J. K. Russell that he was going to quit, that he had a better job.

The claimant testified that he called the roadmaster's office in Lubbock on Monday and talked to Mr. Duncan and that Mr. Duncan advised him he would tell Mr. Russell that the claimant was going to be absent. The claimant testified Mr. Russell told him to resign and that he could get back on at a later date when business picked up.

There was testimony that the claimant actually was called for Gang 67 at Lubbock, and when the claimant worked on Friday he had to sleep in his car because he did not have money for a motel room.

Normally the claimant might be reinstated. However, the evidence herein indicates that the claimant advised the roadmaster that he had a better job and was going to quit and did not report for three weeks. There was work available, and the testimony indicates that the claimant's position was vacant.

If the claimant had financial problems or other problems getting to work, he had the responsibility to contact the Carrier and advise them what those problems were. Since the claimant did not contact the Carrier after September 28 for a period of almost three weeks, the Carrier was justified for discharging the claimant.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member

February 8, 1983
Chicago, Illinois