

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim that fifteen (15) demerits assessed former Illinois Division Trackman R. L. Dettman's personal record on September 9, 1981 be expunged and that he be reinstated to service with seniority, vacation, all benefit rights, pay for wage loss and/or otherwise made whole.

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 without proper authority on July 23 and 27 and August 6, 1981 while assigned as trackman on Gang 32, Illinois Division. Pursuant to the investigation, the claimant was found guilty and assessed with 15 demerits.

The claimant testified that he was absent July 23 and 27 at Bucklin where he was assigned to the gang and that he did not get permission from his foreman to be off because he could not "get a hold" of him before work started on Monday.

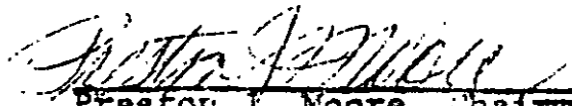
The claimant also testified that on July 23 he did present himself for duty, but all the other men were out there sitting on the machines, and he and four others packed up and left at 8:30 a.m. The claimant admitted he did not have the authority from any supervisor to leave at 8:30 a.m.

The claimant testified that regarding the date of July 27 he attempted to contact the foreman late Friday, and he tried to call the roadmaster's office at 9:30 or 10:00 a.m. the following morning.


The claimant testified that on August 6 he was absent from work because as he was leaving the bunk car to get on the bus, the bus left. He testified that he heard the driver say that he would come back to get him, but he did not, so the claimant left for home at approximately 11:00 a.m.

The transcript contains 26 pages of testimony. After reviewing all of the testimony, there is no justification for setting the discipline aside.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member

CHICAGO, ILLINOIS
Februay 17, 1983