

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM:

1. Claim for former Eastern Lines Welder Helper F. L. Hendrickson be reinstated with seniority, vacation, all benefit rights unimpaired, pay for wage loss and/or otherwise made whole, account Carrier failed to render a decision on investigation held November 25, 1981.
2. Claim that Eastern Lines Welder Helper F. L. Hendrickson be reinstated with seniority, vacation, all benefit rights unimpaired and compensated for all wage loss and/or otherwise made whole, account being unjustly terminated as a result of investigation held November 25, 1981.

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.

By letter of October 16, 1981 the Carrier notified the claimant that he was being terminated from employment due to his being absent without proper authority since September 29, 1981. The claimant was also notified that he could request an investigation, and the investigation was held on November 25, 1981.

On January 20, 1982 the claimant was notified that the letter of termination of October 16, 1981 was rescinded, and that he was being suspended for thirty days commencing the date of recall either as a trackman or welder helper.

The Organization has objected to that decision as not being timely and further that it was not definitive. By timely, the Organization refers to being a prompt decision, as required by the agreement between the parties.

This is very close to not being prompt. However, circumstances may vary, and the Board is not prepared at this time to make a ruling that under the circumstances the decision was not prompt.

All of the testimony has been carefully considered, and certainly the Carrier was correct in reducing the discipline to a thirty day suspension. No more discipline than that is justified. However, the claimant had some guilt to bear. The Board cannot justify setting aside the thirty day suspension.


Therefore the claimant is reinstated with seniority and all other rights unimpaired in accordance with his recall rights under the agreement between the parties.

AWARD: Claim disposed of as per above.

ORDER: The Carrier is directed to comply with this award within thirty days from the date of this award.


Preston J. Moore, Chairman


Organization Member


Carrier Member