

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: Claim on behalf of former Trackman M. A. Archer, Middle Division, for reinstatement to service with seniority, vacation, all rights unimpaired and pay for all wage loss beginning September 10, 1982, continuing forward, 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 terminated from employment by letter dated August 10, 1982 because of being absent without permission. The claimant requested a formal investigation within the prescribed time under the agreement and was notified that the investigation would be held on September 10, 1982 at 10:00 a.m. The claimant signed for the notice.

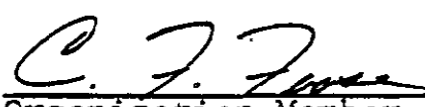
At 10:30 a.m. the claimant had not appeared, and the Carrier proceeded with the investigation. Pursuant to the testimony introduced the investigation was closed, and the termination was affirmed.

The claimant's letter of August 16, 1982 requesting an investigation stated that he was in jail and asked that the investigation be postponed until he was released from jail. However, on August 24, 1982 the claimant was notified to attend an investigation on September 10, 1982, and the claimant acknowledged receipt of that letter and did not object nor did he request a postponement.

Under the circumstances there is no justification for setting the discipline aside.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member