

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: That the Carrier's decision to assess Los Angeles Division Trackman A. R. DelaRosa's record 20 demerits after an investigation August 21, 1984, resulting in an over-accumulation of demerits and removal from service effective August 24, 1984 was unjust; That the Carrier now expunge 20 demerits from Trackman DelaRosa's record, reimburse him for all wage loss commencing August 24, 1984 continuing forward, and/or otherwise made whole, because a review of the investigation transcript reveals that substantial creditable evidence sufficient to warrant the Carrier's action, does not exist.

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 notified to attend a formal investigation August 21, 1984 in San Bernardino, California. The claimant was charged with being absent without proper authority on August 7, 1984, while working as a Trackman at Hesperia. Pursuant to the investigation, the claimant was found guilty and assessed 20 demerits. The assessment of 20 demerits resulted in an over-accumulation of demerits and the claimant was removed from the service of the Carrier August 24, 1984. The Organization filed his claim and it is now before the Board for adjudication.

Section Foreman Alfredo F. Flores testified that the claimant did not report for work on August 7, 1984. He testified that the claimant did not have permission to be off. The claimant did not appear for the investigation although he had been notified by certified mail. The claimant has an extremely poor record and his failure to attend the investigation indicates lack of interest in working for the Carrier. Under those circumstances, there is no justification for setting the discipline aside.

AWARD: Claim denied.


Preston J. Moore, Chairman


Union Member

Dated at Chicago, ILL
October 22, 1984


Carrier Member