

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: That the Carrier's decision to assess Claimant Northern Division Trackman M. G. Simmons ten demerits after investigation December 10, 1984 was unjust; That the Carrier now expunge ten demerits from Claimant's record, reimbursing him for all wage loss and expenses incurred as a result of attending the investigation December 10, 1984 because a review of the investigation transcript reveals that substantial evidence was not introduced that indicates Claimant is guilty of violation of rules he was charged with in the Notice of Investigation.

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 in Fort Worth, Texas, December 10, 1984 regarding his alleged failure to protect his assignment as trackman on Section 22 Dallas on November 19, 1984.

The claimant testified that he was on the way to work when he had carburetor trouble on Highway 45 (Interstate) and that he was shaken from the accident and failed to contact anybody at the Roadmaster's office and made no attempt to call the Division office. He admitted that he was absent without authority.

Under the circumstances herein, the claimant made no effort to advise the Roadmaster's office or the Division office that he would be unable to report for work. There is no justification for setting the discipline aside.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Union Member

Dated at Chicago, Illinois  
January 14, 1985

  
Carrier Member