

PUBLIC LAW BOARD NO. 1552

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

STATEMENT OF CLAIM: Claim that former Trackman John Avery, Albuquerque Division, be reinstated with seniority, vacation, all rights unimpaired and pay for all wage loss commencing January 11, 1983 continuing forward and/or otherwise made whole.

FINDINGS: This Public Law Board No. 1552 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.

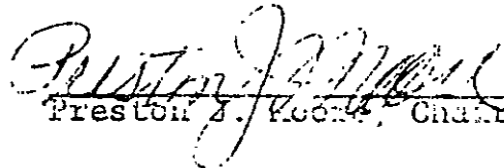
In this dispute the claimant was notified by letter that he was terminated for apparent violation of Rule 15, General Rules for the Guidance of Employees, Form 2625 Standard. The same letter advised him that he could request an investigation. Thereafter, an investigation was held October 13, 1982. At the investigation, the claimant stated that he wished to proceed without representation.

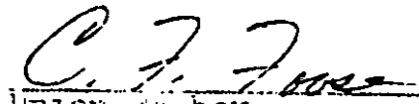
The claimant testified that he reported for work on October 18, but that he was under the influence of alcohol and the foreman advised him to sober up and stay in the bunk car. He further testified that the next day he was really in bad shape and wasn't in condition to work. He stated that on the 19th the foreman told him to leave the premises, and that he did not report to work after that date.

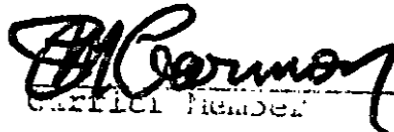
The Roadmaster's Clerk testified that the claimant was working on a tie gang that was abolished October 15 and that he elected to report to the Ash Fork Section. She testified that the claimant never reported for work, nor did he request a leave or absence. She further testified that the claimant was in the office on October 21 and he was instructed then that he should report to Ash Fork Section for work, and that he stated he would do so on October 23. However, he failed to do so.

Under the circumstances, there is no justification for overruling the decision of the Carrier.

AWARD: Claim denied.


Preston J. Moore, Chairman


Union Member


Official Member

Dated at Chicago, Illinois
February 26, 1985