

AWARD NO. 305  
Case No. 339

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim that former Trackman S. C. Castellanos, Los Angeles Division, be reinstated with seniority, vacation, all rights unimpaired and pay for all wage loss commencing July 2, 1983, 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 notified that his seniority/employment with the Carrier was being terminated for his being absent without proper authority commencing May 27, 1983. He was advised in that letter that if he desired, he could request an investigation.

The Organization contends that the claimant requested an investigation on June 14, 1983, at the Carrier's office in Los Angeles. The allegation contends that Maintenance of Way Clerk Irma advised him that he would have to contact the Division office at San Bernardino if he wished to request an investigation. The Organization points up that the superintendent's letter of June 6th does not state which of the Carrier's offices must be addressed by the claimant and further, that both offices are under the same seniority district and deal with employees of the Los Angeles and Los Angeles Terminal Divisions.

The Carrier contends that the claimant was properly notified by letter dated June 6, 1983, and that on June 9, 1983, the claimant did contact B&B Signal Clerk Irma Sota, but she denies that the claimant made any request for a formal investigation. The Carrier further contends that the claimant only made inquiry as to where he could sign up for unemployment, but that, nevertheless, the clerk advised the claimant that if he wished to desire a formal investigation it would be necessary to advise Superintendent Didier's office in San Bernardino and further, that she gave him that telephone number and the telephone number of the Union representative.

The evidence indicates that the claimant at no time requested a formal investigation. Under those circumstances, the Board has no authority to overrule the decision of the Carrier.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Union Member

  
Carrier member

Dated at Chicago, Illinois  
April 12, 1985