

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 Claimant J. D. Myers thirty (30) demerits after investigation May 30, 1986 was unjust; That the Carrier now expunge thirty demerits from Claimant's record, reimbursing him for all wage loss and expenses incurred as a result of attending the investigation May 30, 1986 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 San Bernardino, California, May 30, 1986, concerning his allegedly being absent from duty without proper authority commencing April 24, 1986, while assigned as a trackman at Los Angeles, to determine the facts and place his responsibility, if any, involving possible violation of Rules 2, 13, and 15, General Rules for the Guidance of Employes, Form 2626 Standard, 1978. Pursuant to the investigation the claimant was assessed thirty demerits for his violation of Rule 15.

The investigation was held in the absence of the claimant. He was notified by certified mail and failed to appear.

E. B. Martin, Chief Clerk to the Division Engineer in San Bernardino, testified that the claimant acknowledged receipt of notice of the investigation. The evidence further establishes that the claimant had not performed service since April 24, 1986. The evidence further establishes that the claimant was not given permission to be off work by any of the supervisors on the Los Angeles Division. The evidence is sufficient for the Carrier to find that the claimant was guilty of the violation charged.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Union Member

  
Carrier Member

Dated at Chicago, Illinois  
September 19, 1986