

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim in behalf of Maintenance of Way employee R. B. Chowning, for reinstatement to his former position as trackman on the Illinois Division with seniority, vacation and all other rights unimpaired and compensation for wage loss beginning February 7, 1975 continuing forward to the date he is restored to service.

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 discharged for being absent without proper authority on December 16, 17, 18, 19, 20 and 23, of 1974 in violation of Rule 16.

The Board is unable to determine if the claimant attempted to lay off and for that reason finds that permanent dismissal is too severe. The Claimant's demerit record will stand as it was at the time, but it is the finding of the Board that the claimant should be reinstated with seniority and all other rights unimpaired but without pay for time lost.

AWARD: Claim sustained as per above.

ORDER: The Carrier is directed to comply with this award within thirty days from the date of this award.

sd/ Preston J. Moore,  
Preston J. Moore, Chairman

sd/ S. E. Fleming  
Organization Member

sd/ B. J. East  
Carrier Member