

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Carrier's decision to remove former Plains Division Machine Operator L. J. Davidson from service, effective July 13, 1987 was unjust.

Accordingly, Carrier should be required to reinstate Claimant Davidson to service with his seniority rights unimpaired and compensate him for all wages lost from July 13, 1987.

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 Amarillo, Texas on June 23, 1987 concerning his allegedly being absent from assignment on Extra Gang 37 without proper authority on June 6, 1987 and to determine the facts and place the responsibility, if any, involving possible violation of Rules 13 and 15 of the General Rules for the Guidance of Employees, 1978.

The investigation was postponed until July 13, 1987. Pursuant to the investigation the claimant was found guilty of violating Rules 13 and 15 and was assessed 30 demerits.

The claimant testified that he did not report for duty on June 6 on time. He further stated that he did not have authority to be absent on that date. The claimant also stated that he did not work any on the date of June 6.

The claimant was also notified to attend an investigation to determine the facts concerning his being late on June 14, 1987 from his assignment on Extra Gang 37 and determine his responsibility, if any, for possible violation of rules and instructions for breach of duty on the part of any employee in connection therewith.

The claimant testified that his assigned hours on June 14, 1987 were from 3:30 a.m. until 12:00 noon, and he did not report for his assignment on that date.

The claimant was also notified to attend an investigation for being absent without proper authority on June 26, 1987. Claimant testified regarding that date that he called the Roadmaster's

Clerk and advised her that he was going to Enid to pick up his mother and take her to the hospital. He testified that this was not a true fact.

The Board has reviewed all the evidence of record and finds there is no justification to set the discipline aside.

AWARD: Claim denied.

  
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Preston J. Moore, Chairman

  
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Union Member

  
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Carrier Member

*Dated at Chicago, Illinois  
January 18, 1988*