

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: The Carrier violated the Agreement when it improperly closed the service record of Trackman L. Yessilth.

Trackman L. Yessilth shall be reinstated with seniority and all other benefits unimpaired and he shall be compensated for all wage loss suffered beginning July 25, 1986.

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 Carrier sent the claimant a letter dated July 2, 1986 notifying him to return to service as a trackman and instructed him to report to Gallup, New Mexico at 9:30 a.m. on July 19, 1986 to board a chartered bus destined for Ransom, Illinois to begin work on Monday, July 21, 1986. The claimant was instructed also to acknowledge receipt of the above letter by contacting Ms. Lorraine Y. Lope at the Employment Office, Gallup, New Mexico.


The claimant did not board the bus at Gallup, New Mexico on July 19, nor did he report for duty on the date instructed, nor did he contact Ms. Lope to acknowledge receipt of the letter of recall. Thereafter the Carrier terminated the claimant's employment pursuant to Rule 2-(c), 4-(c) and Appendix 20, Section 4.

The evidence of record indicates that the bus actually did not depart until 11:00 a.m. The evidence further indicates the claimant did not contact Ms. Lope on that date or the following Monday. In view of these circumstances the evidence is sufficient for Carrier to make a finding the claimant was guilty as charged, and the Board has no authority to set the discipline aside.

AWARD: Claim denied.


Preston J. Moore, Chairman


Union Member


Carrier Member

*Dated at Chicago, Illinois
January 18, 1988*