

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM:

1. That the Carrier's decision to remove Los Angeles Division Trackman Ruben Romero from service was unjust.
2. That the Carrier now reinstate Claimant Romero with seniority, vacation, all benefit rights unimpaired and pay for all wage loss beginning August 4, 1987 continuing forward.

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 by letter dated August 4, 1987 J. L. Fields, Superintendent, notified the claimant, Ruben Romero, that his seniority and employment with the Carrier was being terminated due to his being absent without authority commencing July 24, 1987.

This letter further advised the claimant that he could, within twenty days from the date of the letter, request an investigation under the provisions of Rule 13 of the current Maintenance of Way Agreement. At the conclusion of the letter there is an acknowledgment wherein the claimant acknowledged receipt and understanding of his termination of employment. The claimant signed the acknowledgment and dated the same August 20, 1987.

By letter dated September 8, 1987 the Carrier advised the claimant that his request for an investigation was being denied on the basis that he did not comply with the twenty day requirement as specified under Rule 13 of the current Maintenance of Way Agreement.

The Union advanced the claim to this Board and requests that the claimant be reinstated.

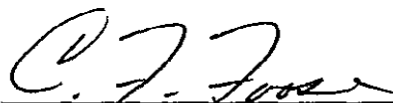
The Board has no alternative but to deny the claim on the basis that the claimant did not request an investigation as required by the Agreement between the parties.

AWARD: Claim denied.

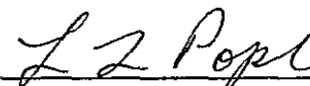


Preston J. Moore, Chairman

Dated at Chicago, Illinois
February 18, 1988



Union Member



Carrier Member