

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 Southern Division Trackman L. W. Pleasant from service was unjust.
2. That the Carrier now reinstate Claimant Pleasant with seniority, vacation, all benefit rights unimpaired and pay for all wage loss beginning February 6, 1987 and 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 the claimant, L. W. Pleasant, was notified by a letter dated February 6, 1987 that he had been absent without proper authority in excess of five days, and in accordance with Letter of Understanding of July 13, 1976 which became effective October 1, 1976, his seniority and employment were being terminated. This letter further notified the claimant that in accordance with Rule 13 of the current Agreement, he could request a formal investigation within twenty days from the date of the letter.

The claimant failed to request an investigation. Under those circumstances the Board has no authority to reinstate the claimant.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

*Dated at Chicago, Illinois*  
*February 18, 1988*

  
Union Member

  
Carrier Member