

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Carrier's decision to remove former Los Angeles Division Trackman David Vara from service, effective May 13, 1987, was unjust. Accordingly, Carrier should be required to reinstate Claimant Vara to service with his seniority rights unimpaired and compensate him for all wages lost from May 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 Los Angeles, California on April 28, 1987 regarding his allegedly being absent without proper authority commencing on March 20, 1987. Pursuant to the investigation the claimant was found guilty of being absent without proper authority and was dismissed from the service of the Carrier.

The claimant testified that he understood Rule 13 which provides that employees must not be absent from duty without proper authority and when authorized absence is in excess of ten calendar days, the entire absence must be authorized by a formal leave of absence.

The claimant further testified that he was familiar with Rule 15 which requires employees to report for duty at the prescribed time and place and to devote themselves exclusively to their duties during their tour of duty.

Roadmaster Walker that as of March 25, 1987 the claimant's extra gang 63 fell under his jurisdiction. He stated that the claimant had been on approved vacation until March 20, 1987 and was to return to work on March 23, 1987. He stated that the claimant phoned him and said he would not be in that day but would be in the following day which would be March 24.

Roadmaster Walker further testified that the claimant showed up on March 24 for five hours and left early and did not show up for work on March 25, 26, 27, 30 and 31. He further stated that the claimant did not contact him or his office in regard to being off work. He also testified that the claimant had not contacted any Santa Fe supervisors in regard to being off.

The claimant admitted that he was absent on March 25 and the subsequent dates without authority. The claimant stated that he had

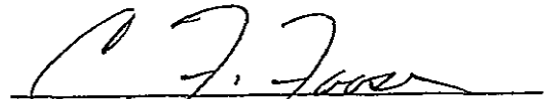
just returned from a drug abuse center which he voluntarily entered and when he returned he had been evicted and his utilities had been shut off at his house, and he was attempting to locate a place for his family to stay.

The claimant stated that he did break the rules and that he did agree to them. He also stated at that time it was someone under drugs who was missing work.


The Board has reviewed all the evidence of record, including the transcript and exhibits submitted by the parties. The evidence is sufficient for the Carrier to find that the claimant was guilty as charged. The Board has no justification to overrule the decision of the Carrier.

AWARD: Claim denied.


Preston J. Moore, Chairman


Union Member

*Dated at Chicago, Illinois
May 4, 1988*


Carrier Member