

PUBLIC LAW BOARD NO. 1582

PARTIES) THE 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 Plains Division Trackman R. M. Johnson from service was unjust.
2. That the Carrier now reinstate Claimant Johnson with seniority, vacation, all benefit rights unimpaired and pay for all wage loss as a result of investigation held February 5, 1988 continuing forwards and/or otherwise made whole, because the Carrier did not introduce substantial, creditable evidence that proved that the Claimant violated the rules enumerated in their decision, and even if Claimant violated the rules enumerated in the decision, permanent removal from service is extreme and harsh discipline under the circumstances.

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 an investigation in Amarillo, Texas on February 5, 1988 concerning his allegedly being absent without authority from December 16 through December 23, 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.

Pursuant to the investigation the claimant was found guilty of violating the above rules and was dismissed from the service of the Carrier.

The transcript of record establishes that the claimant did not appear for the investigation. The claimant had been dismissed once before and reinstated under a reinstatement plan.

Student Foreman T. J. Keeling testified that he was the supervisor of the claimant on the dates in question. He stated that claimant did not have permission to lay off and had not contacted him requesting any authority to be absent.

Under the circumstances involved herein there is no justification to set the discipline aside.

AWARD: Claim denied.

Preston J. Moore  
Preston J. Moore, Chairman

C. J. Moore

Dated at Chicago, Illinois

Union Member

May 4, 1988

L. L. Popl

Carrier Member