

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 Texas Division Trackman R. H. Smith from service on August 11, 1989 was unwarranted and unjustified.

Accordingly, Carrier should now be required to reinstate the claimant to service with his seniority rights unimpaired and compensated for all wages lost from August 11, 1989 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 was notified by letter dated July 21, 1989 that he was being terminated due to his being absent without proper authority or approved leave of absence since July 11, 1989. The claimant requested a formal investigation which was held on August 11, 1989. The investigation was scheduled for 9:00 a.m. but when the claimant had not appeared by 10:37 a.m. the investigation was commenced.

Roadmaster M. R. Lynn testified the claimant was notified of the investigation by certified letter, with a return receipt, and such was signed for by the claimant.

Foreman E. J. Morgan testified he was the foreman, and the claimant was under his immediate supervision. He testified he did not give the claimant permission to be absent, and he had been absent since July 11. He also testified the claimant knew how to reach him but had not done so.

The Board has reviewed all the evidence of record and finds there is no justification to set the decision of the Carrier aside.

AWARD: Claim denied.

*Dated at Chicago, Illinois
March 26, 1990*

Preston J. Moore
Preston J. Moore, Chairman

C. J. Jones
Union Member

L. J. Pope
Carrier Member