

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:

Carrier's decision to remove Texas Division Trackman J. B. Champagne from service, effective January 5, 1990, was unjust.

Accordingly, Carrier shall now be required to reinstate the claimant with his seniority rights unimpaired and compensate him for all wage loss from January 5, 1990.

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 November 16, 1989 that his seniority and employment with the Carrier were terminated due to his being absent from duty without proper authority or approved leave of absence since November 9, 1989. Claimant was further advised that he could request a formal investigation if he so desired.

The claimant requested a formal investigation which was held on January 5, 1990. Pursuant to the investigation the Carrier found the claimant violated Rule 1004, Safety and General Rules for All Employees, Form 2629 Standard and the claimant was removed from service.

The Board has studied the transcript of record and the evidence contained therein.

Roadmaster J. S. Campbell testified that Foreman Crim advised him that the claimant had not shown up for work commencing on November 9, 1989. He stated the claimant had not returned to work as of the date of January 5, 1990, and that the claimant was absent without proper authority. He further testified the claimant was absent for eight consecutive days.

Foreman W. W. Crim testified that the claimant was working under his supervision, and he did not report for work on November 9 or any time thereafter. He further testified the claimant did not notify him in any manner that he would be absent from work.

The claimant admitted that Mr. Crim was his supervisor from November 9 through November 16, 1989 and that he did not contact

him at any time during those dates. The claimant further testified that he had hemorrhoid problems during that time which were very painful. The claimant testified that he notified Mr. Gotcher of his problems on November 17 or 18. He stated that thereafter on November 13 he called Mr. Gotcher and sent him a copy of the doctor's excuse on November 17 or 18.

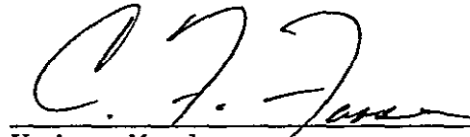
Foreman W. W. Crim also testified that his phone number was listed in the phone book; that he had a Bell telephone and a Santa Fe telephone and the Bell telephone had an answering machine on it.

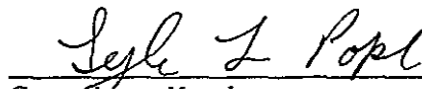
The evidence establishes that the claimant made no effort to notify his foreman that he would be absent or made no request for a leave of absence. Under the circumstances there is no justification to set the decision of the Carrier aside.

AWARD: Claim denied.

*Dated at Chicago, Illinois  
June 11, 1990*

  
Preston J. Moore, Chairman

  
Union Member

  
Carrier Member