

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 New Mexico Division Trackman W. M. Lucero from service effective August 23, 1989 was unjust.

Accordingly, Carrier shall now be required to reinstate the claimant with his seniority rights unimpaired and compensate him for all wages lost from August 23, 1989.

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 August 23, 1989 that his employment and seniority were terminated account his being absent without authority from August 15 to August 23, 1989. In the same letter the claimant was advised he had the right to request a formal investigation if he so desired within 20 days from the date of that letter but the claimant did not do so.


The Union filed a claim requesting that the claimant be reinstated. The Union pointed up the claimant had received a sixty day leave of absence and had requested another 60 day leave of absence which the Carrier had denied. The Union contends the Carrier should not have denied the request for a second leave of absence.


Several awards have interpreted the Letter of Understanding dated July 3, 1976 between the Union and the Company herein. Those awards have held that the rule is clear, and claimant's failure to request an investigation justifies the Carrier's termination of the claimant's seniority and employment. On that basis there is no justification to overrule the decision of the Carrier.

AWARD: Claim denied.

*Dated at Chicago, Illinois
June 11, 1990*


Preston J. Moore, Chairman


Union Member


Carrier Member