

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim in behalf of former Trackman R. S. Villines, Middle Division, for reinstatement with seniority, vacation and all other rights unimpaired and compensate him for all wage loss beginning December 1, 1975 and continuing forward until he is restored to service.

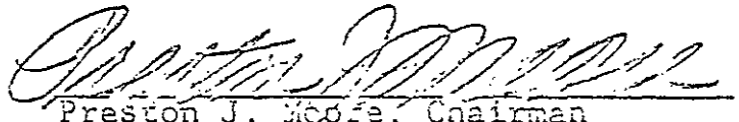
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

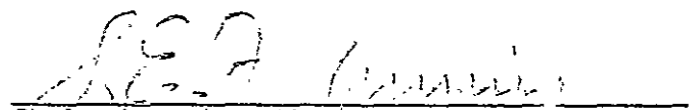
In this dispute the claimant was dismissed from the service of the Carrier for his alleged violation of Rule 13 which states that employees must not be absent from duty without proper authority, and when authorized absence is in excess of ten calendar days, entire absence must be authorized for formal leave of absence except for scheduled vacation period.

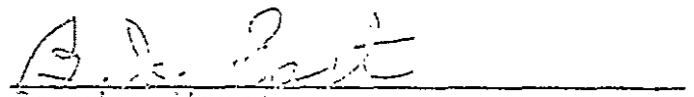
Evidence of record substantiates the fact that claimant did not request leave of absence and that he was absent for a period in excess of ten calendar days. Therefore there can be no question but claimant violated the Agreement. However under the circumstances herein, i.e., the claimant having been injured and thinking he would be returned to work in ten days instead of sixteen days, it is the opinion of the Board that permanent dismissal is too harsh. Therefore it is the finding of the Board that claimant should be reinstated with seniority and all other rights unimpaired but without pay for time lost.

AWARD: Claim sustained as per above.

ORDER: The Carrier is directed to comply with this award within thirty days from the date of this award.


Preston J. Moore, Chairman


Organization Member


Carrier Member