

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: Claim in behalf of former Trackman F. H. Carreon for reinstatement with seniority, vacation and all other rights unimpaired and compensation for any wage loss beginning August 13, 1977 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 claimant was dismissed from the service of the Carrier pursuant to a formal investigation held July 5, 1977. Claimant was found guilty of violation of Rule 15 which necessitates employees to report for duty as required, and further that employees must not absent themselves from duty without proper authority.

The claimant himself testified he requested permission to return to Mexico and that his supervisor advised him he would investigate and see if the claimant could go. The claimant further testified that he later returned to the office of the supervisor, but the supervisor was out and so he left for Mexico. The Claimant also testified that the supervisor did not tell him he could go, but that he just had confidence that the supervisor would fix it up for him, and he left. The claimant testified he realized he needed permission to be away from his assignment.

The Board has examined the entire transcript and all of the evidence of record. The evidence is clear and convincing that the claimant was guilty of violating rules, and under the circumstances herein there is no justification to overrule the decision of the Carrier.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Organization Member

  
Carrier Member