

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 B. J. Hardin, Middle Division, for reinstatement with seniority, vacation and all other rights unimpaired and compensation for time lost beginning January 31, 1978 continuing 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 claimant was terminated effective January 31, 1978 on the basis of being absent without permission. Carrier notified claimant by letter of the termination and advised him that he could within 20 days of the date of that letter request a formal investigation. That letter was dated January 31, 1978 and claimant received the notice on February 2, 1978, signed a receipt for the letter and the receipt was returned to the Carrier.

On March 15, 1978 the Organization filed a claim for reinstatement with seniority, vacation and all other rights unimpaired and compensation for net wage loss beginning January 31, 1978 on the basis the claimant did not believe he was absent without permission and that he did not receive the letter of notification in sufficient time to respond before the twenty days referred to therein had expired.

The Carrier contends the claimant did not report for work from January 17 through January 30, 1978 and did not call in to request permission to be off. The claimant had 29 months of service and during that period of time had been assessed demerits on four occasions, all for the violation of being absent from duty without authority. The claimant's record stood with thirty demerits when terminated. The Board has examined all of the evidence of record and finds no justification to overrule the decision of the Carrier.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member