

PUBLIC LAW BOARD NO. 2439

Award No. 97
Case No. 97

PARTIES
TO
DISPUTE

Southern Pacific Transportation Company
and
Brotherhood of Maintenance of Way Employees

STATEMENT
OF CLAIM

- "1. That the Carrier's decision to dismiss Track Laborer Mickey West on February 23, 1984, was in violation of the agreement.
2. That the Carrier will now reinstate Mr. West to his former position with seniority and all other rights restored unimpaired and with compensation for all wage loss suffered."

FINDINGS

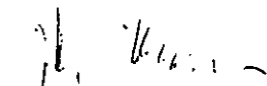
Upon the whole record, after hearing, the Board finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted under Public Law 89-456 and has jurisdiction of the parties and the subject matter.

Claimant was displaced from his position effective February 21, 1984. He, in turn, displaced another employee in a district adjacent to his old assignment effective the same date. The claimant, however, did not report on February 21 or on the following two days. In fact, he never reported. A hearing was subsequently scheduled following the termination at the request of the Organization. Claimant did not appear, as well, at the hearing.

Claimant was found guilty of not protecting his assignment and of being absent without authority on the dates indicated. His failure to appear for the hearing in order to mount a defense sealed his fate. Carrier's conclusion must be deemed correct and discharge was the appropriate penalty. The Board can find no fault with a situation such as this where a claimant simply disappears.

AWARD

Claim denied.



I. M. Lieberman, Neutral-Chairman



C. Foose, Employee Member



L. Scherling, Carrier Member

San Francisco, California

January 31, 1986