

PUBLIC LAW BOARD NO. 2444

Award No. 35

Case No. 48

Docket No. MW 80-82


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| Parties | Brotherhood of Maintenance of Way Employees |
| to | and |
| Dispute | Southern Pacific Transportation Company (Texas and Louisiana Lines) |
| Statement of Claim | <p>1. Carrier violated the effective Agreement when Laborer A. W. Stephens was unjustly dismissed by letter dated March 21, 1980.</p> <p>2. Claimant Stephens shall be reinstated to his former position, with pay for all time lost, vacation, seniority and all other rights unimpaired.</p> |
| Findings | <p>The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated July 19, 1979, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.</p> <p>Claimant, a Laborer on Extra Gang No. 243, was advised under date of March 21, 1980:</p> <p>"You absented yourself from your job assignment at the beginning of your tour of duty without proper authority on March 19, which is in violation of Rule M810...Rule M810 reads in part as follows:</p> <p><u>'M810.</u> Employees must report for duty at the prescribed time and place...they must not absent themselves from their employment without proper authority..."</p> |


Claimant requested a hearing which was granted and held as a result thereof was advised that the discipline would stand.

The Board finds that the circumstances were such that Claimant's tardiness represented a technical violation. Claimant arrived just after 7:00 AM on the morning in question and was not permitted to board the bus. The Board finds that in the circumstances involved it will permit Claimant to be reinstated to service with all rights unimpaired but without pay. However, before so doing Claimant is to confer with the Local Union and Carrier Representatives in order to clearly understand his obligation to protect the requirements of Carrier's service. Thereafter, Claimant will be restored with the warning that this is his last chance opportunity to demonstrate to the Carrier that he desires to work for the Southern Pacific Transportation Company.

Award Claim disposed of as per findings.
Order Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.


M. A. Christie, Employee Member


C. B. Goyne, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Wilmington, Delaware, April 16, 1981.