

PUBLIC LAW BOARD NO. 2444

Award No. 37

Case No. 50

Docket No. MW 80-105

Parties Brotherhood of Maintenance of Way Employees  
to and  
Dispute Southern Pacific Transportation Company  
(Texas and Louisiana Lines)

Statement 1. Carrier violated the effective Agreement when Laborer W.  
of A. Glaze was unjustly dismissed by letter dated April 14,  
Claim 1980.

2. Claimant Glaze shall now be reinstated to his former position with pay for all time lost, vacation, seniority and all other rights unimpaired, and also the charge be stricken from his record.

Findings 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.

Claimant, a laborer on extra gang 220, Galveston District, had been employed by Carrier for some eleven months. He was advised, under date of April 14, 1980,

"You were absent from your job assignment without proper authority on April 9, 1980 which is in violation of Rule M810 of the General Rules and Regulations of the Southern Pacific Transportation Company as posted by General Notice. Rule M810 reads in part as follows:

RULE M810:

'Employees must report for duty at the prescribed time and place...They must not absent themselves from

their employment without proper authority...'

For your violation of Rule M810 you are dismissed from the service of the Southern Pacific Transportation Company."

Claimant requested and was granted a hearing. As a result thereof Claimant was advised that the discipline assessed was upheld.

The Board finds that Claimant was accorded the due process to which entitled.

There was sufficient evidence to support the conclusion reached by Carrier as to Claimant's culpability. The discipline assessed in view of Claimant's record is found to be reasonable.

This Claim will be denied.

AWARD: Claim denied.

  
M. A. Christie, Employee Member

  
C. B. Goyne, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued at Falmouth, Massachusetts, June 10, 1982.