

PUBLIC LAW BOARD NO. 2444

Award No. 43

Case No. 56

Docket No. MW 80-73

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Southern Pacific Transportation Company
(Texas and Louisiana Lines)

Statement Claim of BMWE and Lafayette Division Track Laborer E. Pickett,
of Jr., for reinstatement to his former position with all
Claim seniority, vacation and other rights unimpaired.

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 track laborer for over seventeen (17) years was dismissed for being absent without authority by letter a dated March 4, 1980.

The Board finds that Claimant was accorded the due process to which entitled by his discipline rule.

There was sufficient evidence to support the conclusion reached by Carrier as to Claimant's guilt.

The Board will conditionally reinstate Claimant with all rights unimpaired, but without pay for time out of service, providing that he successfully passes a physical examination, that he enters both a program and a period of sobriety and that he is approved by the Employee

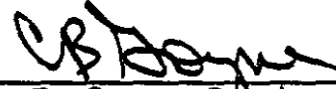
Assistant Counsellor as being ready for work. Claimant at that time will then be given his seniority and placed in a probationary status for a one year period. If Claimant has not affirmatively responded within thirty (30) days of notification to the aforementioned conditions the Claim will be denied as of that date.

AWARD: Claim disposed of as per findings.

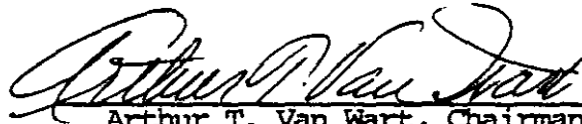
ORDER Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.



M. A. Christie, Employee Member



C. B. Goyne, Carrier Member



Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Wilmington, Delaware, May 29, 1982.