

PUBLIC LAW BOARD NO. 2774

Award No. 50

Case No. 60

PARTIES Brotherhood of Maintenance of Way Employees
TO and
DISPUTE Atchison, Topeka and Santa Fe Railway Company

STATEMENT
OF CLAIM

"1. That the dismissal of Northern Division Trackman G. A. Thurston from service after formal investigation May 13, 1981, was unjust.

2. That Claimant Thurston be reinstated to service with seniority, vacation, all benefit rights unimpaired, paid for wage loss and/or otherwise made whole."

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.

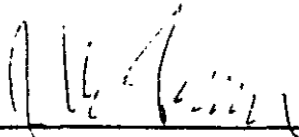
Following an investigation Claimant Thurston was dismissed from service for allegedly violating Carrier's rules with respect to being absent -- without proper authority on 13 days in April and May of 1981.

The record of the investigation, in this matter reveals that Claimant was indeed absent without authority on the dates indicated by Carrier in its charges. No defense was made with respect to the dates in question. The Board is of the opinion that the record in this case is consistent with

that in many other situations in which absence without proper authority justifies permanent dismissal. There is no doubt but that Carrier has the right to impose discipline necessary in order to operate in an efficient manner and rely upon the presence of its employees. Conduct such as that of Claimant, in this case, is simply not tolerable in an employment situation. It is concluded, therefore, that the evidence was sufficient to support Carrier's conclusion that Claimant was guilty and the penalty cannot be considered to be harsh, excessive or an abuse of discretion.

AWARD

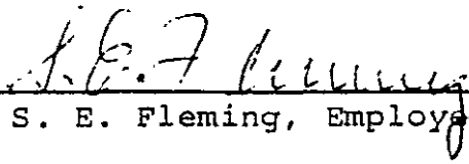
Claim denied.



I. M. Lieberman, Neutral Chairman



G. M. Garmon, Carrier Member



S. E. Fleming, Employee Member

February 8 , 1983
Chicago, IL