

PUBLIC LAW BOARD NO. 4244

**ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.
AND
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES**

STATEMENT OF CLAIM: Carrier's decision to remove former Eastern Region Seniority District No. 2 Machine Operator D. D. Roland from service, effective March 2, 1994, was unjust.

Accordingly, Carrier should be required to reinstate Claimant Roland to service with his seniority rights unimpaired and compensate him for all wages lost from March 2, 1994.

FINDINGS: This Public Law Board No. 4244 (the "Board") finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended. Further, the Board has jurisdiction over the parties and the subject matter involved.

In this dispute former Eastern Region Seniority District No. 2 Machine Operator D. D. Roland (the "Claimant") was notified in a letter dated December 30, 1993, that his seniority and employment were terminated because of his absence without proper authority since December 13, 1993. He was further advised that he could request an investigation within twenty days of the date of the letter, which he did.

In summary, the Claimant was notified to attend a formal investigation on March 2, 1994, concerning his alleged absence from duty without proper authority since December 20, 1993, while working as Machine Operator at Wichita, Kansas in possible violation of Rule 1004 of the Carrier's Safety and General Rules for All Employees. However, the Claimant did not attend the formal investigation. Further, as a result of the investigation, the Carrier determined that the Claimant violated the cited rule, and he was removed from service.

A review of the transcript of the investigation showed that the Claimant failed to protect his assignment and was absent without proper authority. Moreover, no

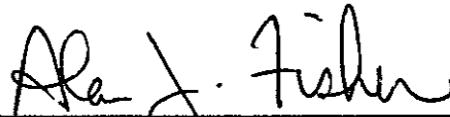
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information was provided to the Carrier to explain his unauthorized absence. Under such circumstances, including a review of the Claimant's personal record, the Board finds that the Claimant's removal from service was proper.

AWARD: Claim denied.



Alan J. Fisher
Chairman and Neutral Member



C. F. Foose
Organization Member



Lyle L. Pope
Carrier Member

Dated:

August 4, 1995
Schaumburg, Illinois