

Award No. 160
Case No. 162

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 Southern Region Seniority District No. 1 Trackman D. R. Willis from service, effective June 20, 1994, was unjust.

Accordingly, Carrier should be required to reinstate Claimant Willis to service with his seniority rights unimpaired and compensate him for all wages lost from June 20, 1994.

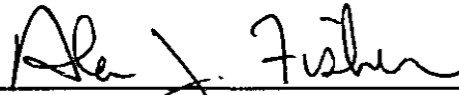
FINDINGS: This Public Law Board No. 4244 (the "Board") finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended. Further, the Board has jurisdiction over the parties and the subject matter involved.

In this dispute former Southern Region Trackman D. R. Willis (the "Claimant") was notified to attend a formal investigation on June 8, 1994, concerning his alleged absence without proper authority on May 9 and 16, 1994, in possible violation of Rules B and 1004 of the Carrier's Safety and General Rules for All Employees. The investigation was postponed at the Organization's request and held on June 15. However, the Claimant did not attend the investigation. As a result of the investigation, the Carrier determined that the Claimant violated the cited rules, and he was removed from service.

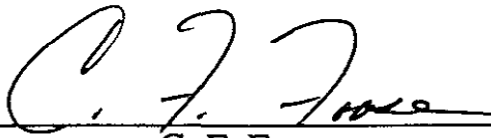
In summary, Foreman C. D. Beaty testified at the formal investigation that on May 9, the Claimant was absent without authority. Foreman F. R. Fisher testified that on May 16, the Claimant was assigned to his gang, and the Claimant was absent from work without authority. Roadmaster L. S. Watson corroborated the testimony offered by Beaty and Fisher. He also testified that the Claimant did not obtain his permission to be absent on the concerned dates.

After reviewing the record the Board finds that the Claimant's removal from service was proper under the circumstances of this case. The Board also finds that the Claimant received proper notice of the investigation, and he was not denied his right to a fair and impartial investigation. The Board will not speculate as to the reasons for the Claimant's decision not to attend the investigation.

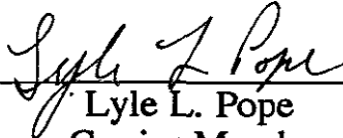
AWARD: Claim denied.



Alan J. Fisher
Chairman and Neutral Member



C. F. Foose
Organization Member



Lyle L. Pope
Carrier Member

Dated: August 4, 1995
Schaumburg, Illinois