

Award No. 46
Case No. 47

PUBLIC LAW BOARD NO. 4244

PARTIES) ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY
TO) AND
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM: Carrier's decision to remove Illinois Division Trackman S. C. Welch from service was unjust.

Accordingly, Carrier should be required to reinstate Claimant Welch to service with his seniority rights unimpaired and compensate him for all wages lost from February 9, 1988.

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 Illinois Division Trackman S. C. Welch (the "Claimant") was notified by Superintendent P. V. Nash in a letter dated February 9, 1988 that his seniority and employment were being terminated for being absent without authority more than five (5) consecutive days beginning Monday, February 1, through and including Tuesday, February 9, 1988. He was further advised that he had twenty (20) days from the date of the letter to request an investigation under Rule No. 13 of the Agreement.

The record shows that the Claimant was absent from duty without proper authority more than five consecutive days. Further, the Claimant failed to request an investigation as provided by the Letter of Understanding dated July 13, 1976 (Appendix No. 11). Thus, the Carrier properly terminated the Claimant's seniority and employment.

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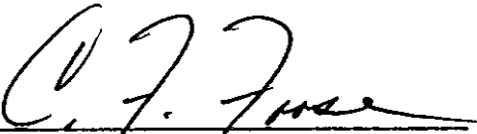
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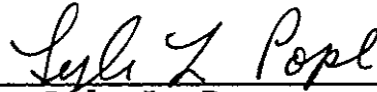
Award: Claim denied.



Alan J. Fisher, Chairman
and Neutral Member



Clarence F. Foose
Organization Member



Lyle L. Pope
Carrier Member

Dated: December 12, 1989
Chicago, Illinois