

Award No. 87
Case No. 94

PUBLIC LAW BOARD NO. 4244

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

STATEMENT OF CLAIM: That the Carrier's decision to assess Southern Trackman P. F. Glasby a suspension of sixty days after the investigation October 18, 1991 was unjust.

That the Carrier now expunge the sixty day suspension from Claimant Glasby's record, reimbursing him for all wage loss and expenses incurred as a result of attending the investigation held 9:00 A.M., October 18, 1991, because the Carrier did not introduce substantial, creditable evidence that proved that the Claimant violated the rules. Even if the Claimant had violated the rules enumerated in the decision, the decision is extreme and harsh discipline under the circumstances. We contend the Carrier violated Rule 13, Appendix No. 11 of the Agreement.

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.

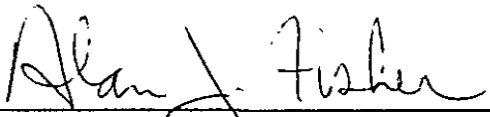
In this dispute Southern Trackman P. F. Glasby (the "Claimant") was notified to attend a formal investigation on October 4, 1991 concerning his possible violation of Rules A, B and 1004 of the Carrier's Safety and General Rules for All Employees when he was allegedly absent from duty without proper authority on September 4, 9, and 13, 1991. The investigation was postponed and held on October 18, 1991. Pursuant to the investigation the Carrier determined that the Claimant violated the Rule 1004, and he was assessed a sixty (60) day suspension, without pay, commencing October 18, 1991.

The record showed that the Claimant admitted at the formal investigation that he was absent from work on September 4, 9, and 13, 1991. The Claimant testified that domestic problems required him to meet with an attorney and appear in court on the dates that he was absent. However, the Claimant made no attempt at any time to request permission to be absent or contact his supervisors prior to the start of the work days that he was absent.

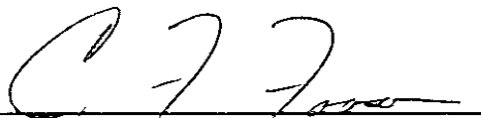
In view of the Claimant's experience and admitted disregard for the Carrier's rules, a suspension was appropriate. However, it is the Board's opinion that the Carrier failed to discipline the Claimant consistent with the the discipline system implemented in 1990. Thus, the suspension is reduced to thirty days, and the Claimant is to be reimbursed for all lost wages, less outside earnings, after thirty days.

The Board notes that if the Claimant had shown some responsibility in this case, a suspension would have been inappropriate under the new discipline system.

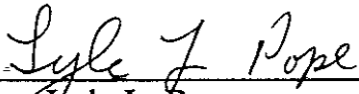
AWARD: Claim sustained as set forth above.



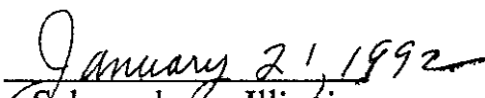
Alan J. Fisher
Chairman and Neutral Member



C. F. Foose
Organization Member



Lyle L. Pope
Carrier Member

Dated: 
Schaumburg, Illinois