

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 4370

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

BURLINGTON NORTHERN RAILROAD COMPANY

AWARD NO. 4

Case No. 5

STATEMENT OF CLAIM

Claim on behalf of R.D. Couch, that he be reinstated to his former position with all seniority and other benefits unimpaired and that he be compensated for all wage loss suffered as a result of his dismissal from service effective October 7, 1986.

F I N D I N G S

Claimant was absent from work commencing May 2, 1986. Following an investigative hearing, Claimant was assessed a disciplinary penalty of 30 days for being absent without authority. He was advised that, following the suspension, he was required to report for work on July 23, 1986. When he did not return to work, he was notified on September 22, 1986 of a further investigative hearing as to his "alleged absence from duty without proper authority from July 23, 1986 through September 18, 1986".

The hearing was set for October 1, 1986, but the Claimant failed to appear or to request a postponement. Carrier testimony was that the Claimant had failed to report or make his whereabouts known between the cited dates.

The record indicates that the Claimant has effectively abandoned his employment with the Carrier, and the resulting dismissal from service following the hearing was the inevitable result.

A W A R D

Claim denied.


HERBERT L. MARX, JR., Referee

NEW YORK, NY

DATED: June 9, 1988