

PUBLIC LAW BOARD NO 6103

Award No.
Case No. 6

PARTIES TO DISPUTE:

(Brotherhood of Maintenance of Way Employees

(Burlington Northern Santa Fe Railway (former St. Louis-
(San Francisco Railway Company)

STATEMENT OF CLAIM:

1. The Carrier violated the Agreement when on October 22, 1996, Mr. Steve Poelinitz was dismissed from the service of the Carrier for being absent without authority and for not properly requesting a leave of absence.
2. As a consequence of the Carrier's violation referred to above, Claimant should be reinstated to service, paid for all time lost, and the discipline shall be removed from his record.

FINDINGS

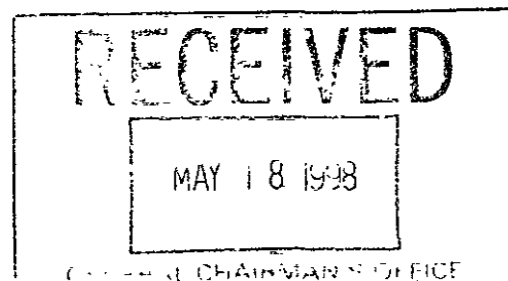
Upon the whole record and all the evidence, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended. Further, the Board is duly constituted by Agreement, has jurisdiction of the Parties and of the subject matter, and the Parties to this dispute were given due notice of the hearing thereon.

Claimant returned to service at the expiration of a leave on August 12, and worked until August 19. In the evening of August 18, he asked his Supervisor for a leave of absence which was declined because the Supervisor did not have the authority, but he did direct Claimant's attention to the proper channels to secure the leave.

Claimant did not follow the advice, and in lieu absented himself from service after August 19 without authority.

An Investigation was scheduled with Claimant not in attendance, and although he advised why he was unable to attend, no postponement was requested.

There is nothing improper about holding an Investigation with the charged employee not in attendance. That is an option of the employee charged, but when he doesn't attend, all of the Carrier's testimony remains unchallenged.



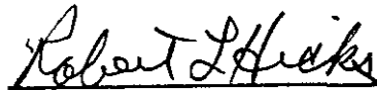
Under these circumstances, Carrier's decision to dismiss is supported by substantial evidence. The discipline stands.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.



Robert L. Hicks, Neutral Member & Chairman
Public Law Board 6103

Dated:

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MAY 26 1998

Chicago Office - BMWE