

Award No. 236

Docket No. 236

Mopac File 247-6897

Parties Brotherhood of Maintenance of Way Employees
to and

Dispute: Missouri Pacific Railroad Company

Statement
of Claim:

1. Carrier violated the effective Agreement when Trackman J. D. Summers was unjustly dismissed from service on December 18, 1984.

2. Claimant Summers shall now be paid for eight (8) hours each work day, including any holidays and any overtime falling therein which would have accrued to him had he not been dismissed, beginning December 18, 1984, and continuing until reinstated to service with seniority, pass and vacation rights unimpaired.

Findings: The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant had been employed as a Trackman for System Rail Gang 6803 for some two months when he absented himself on September 14, 1984 without proper authority therefor. Again from October 3, 1984 through October 10 and from October 12 through October 23 Claimant was also absent without receiving proper authority therefor.

Claimant was notified to attend a formal investigation to be held on November 19, 1984 in connection with his absence and a review of his personal record file. Investigation was held as scheduled. However, neither Claimant nor his representative appeared thereat. It was therefore held in absentia.


Carrier concluded the record developed thereat that Claimant was guilty as charged. He was dismissed as discipline.

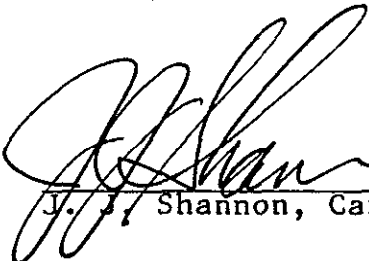
Claimant was accorded the due process to which entitled under his discipline rule.

There was sufficient evidence adduced to support the Carrier's conclusion as to Claimant's culpability.

In light of Claimant's record the discipline is found to be reasonable. This claim will be denied.

Award: Claim denied.


M. A. Christie, Employee Member


J. J. Shannon, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued August 23, 1986.

