

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute: (Randy C. Sanchez
(The Atchison, Topeka and Santa Fe Railway Company

Dispute: Claim of Employee:

1. Evidence adduced in the investigation hearing conducted on November 17, 1979, concerning Claimant's alleged abusive language, insubordination, damaging of Carrier's property, and leaving the work place without permission was insufficient to sustain Carrier's burden of "substantial evidence."
2. Carrier's action in placing Claimant in a high noise environment and requiring Claimant to wear unauthorized ear devices, contrary to Claimant's doctor's medical instructions, resulted in a constructive discharge of Claimant in violation of the controlling agreement.
3. Carrier's and Union's conduct at the November 27, 1979 investigative hearing, deprived the Claimant of a full, fair and impartial hearing.
4. Carrier should be ordered to:
 - a. Reinstatement Claimant with seniority for the period from November 13, 1979, to the present;
 - b. Compensate Claimant for all time lost, starting November 13, 1979, to the present;
 - c. Make Claimant whole for vacation rights and loss of health and insurance benefits;
 - d. Make Claimant whole for loss of any other benefits he would have earned during the period from November 13, 1979, to the present.

Statement:

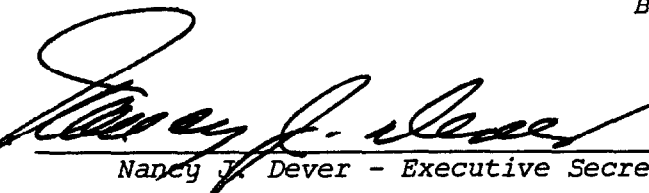
The above question was submitted to the Second Division of the National Railroad Adjustment Board by the above referred to individual in ex parte form, hearing thereon was waived, and the Division is now in receipt of a request from the individual that the case be withdrawn.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 2nd day of November 1983.