

AWARD No. 103
Case No. 121

PUBLIC LAW BOARD NO. 1582

PARTIES) THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY
TO)
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM: Claim in behalf of former Trackman D. R. Martinez, Plains Division, for reinstatement with seniority, vacation and all other rights unimpaired and with pay for all time lost as a result of his dismissal from service at investigation September 8, 1978.

FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant was dismissed from the service of the Carrier pursuant to an investigation held September 8, 1978. The claimant was charged with a violation of Rule 6, Form 2626 Standard (General Rules for the Guidance of Employees). The claimant was charged with possession of marijuana on Company property on August 14, 1978 at Canadian, Texas.


The Organization has filed an extensive brief in support of their position that the claimant should be reinstated and paid for all time lost, and there is also an extensive transcript.

After a careful review of all the testimony and the transcript, it is the opinion of the Board that the claimant himself admitted possession of marijuana while on Company property (See Page 5 of the transcript). A violation of Rule 6 is considered to be an extremely serious charge, and possession of marijuana on Company property justifies discharge.

AWARD: Claim denied.


PRESTON J. MOORE, Chairman


Organization Member


Carrier Member