

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim in behalf of former Track Supervisor D. B. Brown, Eastern Division, as follows:

1. That the Atchison, Topeka & Santa Fe Railway Company violated the Track Supervisor and Motor Track Inspectors Agreement December 12, 1979 by removing Mr. Brown's name from the Track Supervisor's seniority roster and removing him from his job as track supervisor after a formal investigation held December 12, 1979 charging Mr. Brown with alleged failure to adequately inspect the First District main track, Eastern Division between Lawrence, Kansas and Holiday (sic), Kansas on December 6, 1979 while employed as First District Track Supervisor, Lawrence, Kansas.

2. That the Carrier now place Mr. Brown back on his job as First District Track Supervisor and place his name back on the Track Supervisor Seniority Roster with a seniority date of June 7, 1976, and compensate Mr. Brown all wage loss he incurs as a result of being removed from his position as track supervisor beginning December 12, 1979 continuing forward.

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.

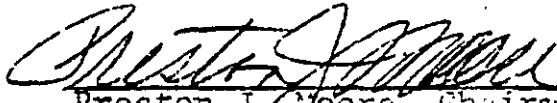
In this dispute the claimant worked as a track supervisor from June 6, 1976 until December 12, 1979. On December 6, 1979 the Division Engineer and the Signal Supervisor made a high-rail trip between Lawrence, Kansas and Holiday, Kansas over the First District of the Eastern Division. During the trip they noticed twenty discrepancies which existed on this piece of track. The Carrier alleges that two of those discrepancies were serious enough in nature to require the immediate attention of the Lawrence Section.

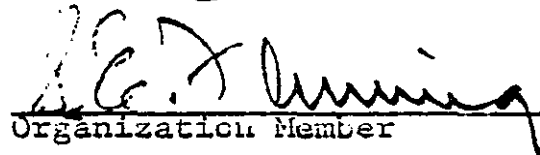
The evidence indicates that the claimant was responsible for the supervision and maintenance of in excess of 100 miles of trackage. This was approximately 25 miles more than any other supervisor. That fact does not justify any excuse for the claimant not performing his duties. Also the Section Gang was working seven days per week, plus overtime, outside their regular assigned hours.

The Board has carefully examined the transcript of record and all of the testimony. The evidence indicates that under the circumstances herein the discipline assessed is too severe, and the claimant should be reinstated to his position as track supervisor.

AWARD: Claim sustained as per above.

ORDER: The Carrier is directed to comply with this award within thirty days from the date of this award.

  
Preston J. Moore, Chairman

  
Organization Member

  
Carrier Member