

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 Miscellaneous Machine Operator-Trackman D. H. Begay, Albuquerque Division, for reinstatement "to his former position of miscellaneous machine operator with seniority, vacation and all other rights unimpaired and compensate him for wage loss beginning February 17, 1973 continuing forward to date that he is restored to service."

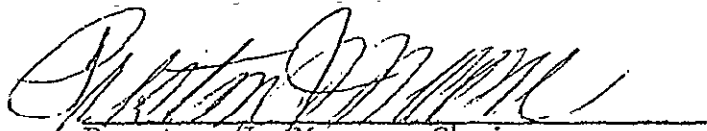
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.


In this dispute claimant was charged with negligence in his maintenance of a Burro Crane. The crane was badly damaged and claimant was also charged with possible violation of Rules 1053, 1054, Rules 1.1.4, 1.1.6 and 1.1.9, Section 1, General Instructions, Handbook of Instructions for Care and Operation of Maintenance of Way Equipment, AREA 1957 and Rule 30, General Rules for the Guidance of Employees. After the investigation the claimant was dismissed from the service of the Carrier.

The Organization filed claim for reinstatement and pay for time lost. In the course of negotiating reinstatement for claimant, the claimant went to one of the official's office and became excited, and in a heated discussion, resigned as a trackman. This resignation is official and binding.


However, after studying all of the evidence and facts involved herein it is the opinion of the Board that the Carrier should offer reinstatement to the claimant on a leniency basis. This Board is without authority to reinstate the claimant in view of his resignation. There is no evidence of coercion or pressure to cause claimant to resign. For the foregoing reasons the Board finds no support for the claim.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member

January 2, 1976


Carrier Member