

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM:

1. That the Carrier's decision to remove Eastern Division Trackman L. J. Tabares from service was unjust.
2. That the Carrier now reinstate Claimant with seniority, vacation, all benefit rights unimpaired and pay for all wage loss beginning July 8, 1982 continuing forward and/or otherwise made whole, because the Carrier did not introduce substantial evidence that proved that the Claimant violated the rules enumerated in their decision, and even if Claimant violated the rules enumerated in the decision, permanent dismissal from service is extreme and harsh discipline under the circumstances.

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 notified to attend an investigation to develop the facts and place his responsibility regarding the misuse of a Company credit card at Moline, Kansas on June 25, 1982 while employed as a trackman on Extra Gang No. 27, Moline, Kansas.

The facts in this case are not in dispute. The claimant removed a Gelco credit card from Santa Fe Vehicle 38190 with the intent to fill his own car with gasoline. The claimant also used the credit card to purchase a fan belt for a fellow employee's personal car. The claimant testified that he intended to reimburse the Carrier for the amount of money which appeared on the face of the charge slip which was \$26.42. The claimant admitted that he violated Rules 2, 16 and 31(B)..

The claimant was guilty of a serious offense and had a poor record in the short time he had been employed by the Carrier. Under the circumstances there is no justification for setting the discipline aside.

AWARD: Claim denied.

Preston J. Moore  
Preston J. Moore, Chairman

J. E. Fleming  
Organization Member

Ed. Curran  
Carrier Member