

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 Northern Division Trackman T. E. Whetstone from service was unjust.
2. That the Carrier now reinstate claimant with seniority, vacation, all benefit rights unimpaired and pay for all wage loss as a result of investigation held February 25, 1983, 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 removal 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 charged with making personal long distance telephone calls from company telephone extension located in the train register room at the yard office at Brownwood, Texas on July 17, 20, 27, 29, August 4 and 23, 1982.

Pursuant to the investigation the claimant was found guilty and was dismissed from the service of the Carrier.

The evidence establishes that the claimant was notified of the hearing by certified letter, but the claimant did not attend the formal investigation. The claimant further did not request a postponement of the investigation nor did the claimant request the Union to represent him at the investigation.

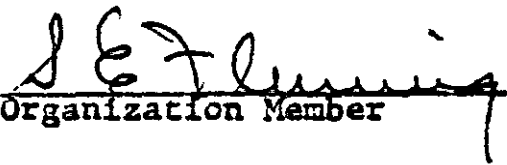
The evidence of record establishes that the claimant admitted making the phone calls to the special agent and the roadmaster. The claimant signed a written statement admitting that he had made seven long distance phone calls to Wichita Falls, Texas and charged them to Phone Number 648-6983, which is a company telephone located in the train register room of the yard office at Brownwood, Texas.

The Board has carefully examined the entire transcript of record, and the evidence is sufficient for the Carrier to make a finding

that the claimant was guilty. Under the circumstances there is no justification for setting the discipline aside.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member

Chicago, Illinois
April 4, 1983