

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim in behalf of former Trackman-Truck Driver A. Mariano, Albuquerque Division, for reinstatement with seniority, vacation and all other rights unimpaired and compensation for wage loss beginning April 5, 1974.

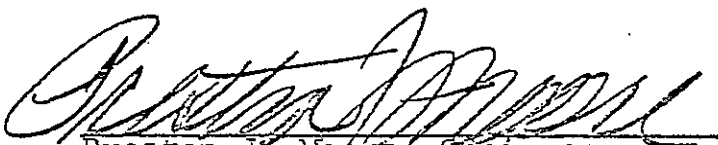
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute claimant was discharged for violation of Rules 3, 7, 16, 17 and 34. On Friday March 15, 1974 the Extra Gang to which the claimant was assigned completed their assignment at Grants, New Mexico and were instructed to move over the week end to Aguila, Arizona, a distance of approximately 250 miles and to commence work at the new location on Monday, March 18.


On May 18 the foreman was unable to locate the claimant and the truck. On inquiry and investigation, it was learned that the claimant had been stopped by the Arizona Highway Patrol and placed under arrest for driving while intoxicated. Evidence of record also indicates that the claimant was not driving toward the location at Aguila but was driving in the opposite direction.

The Board has reviewed the transcript and testimony of record and finds there is no evidence which would justify overruling the decision of the Carrier.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member