

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:

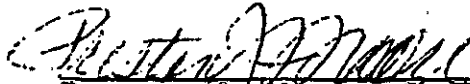
1. That the Carrier's decision to assess Claimant thirty (30) demerits after investigation September 16, 1983 was unjust.
2. That the Carrier now expunge thirty (30) demerits from the claimant's record, reimbursing him for all wage loss and expenses incurred as a result of attending the investigation September 16, 1983, because a review of the investigation transcript reveals that substantial, creditable evidence was not introduced that indicates claimant is guilty of violation of rules he was charged with in the Notice of Investigation.

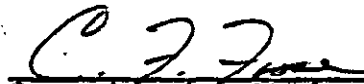
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant was notified to attend an investigation in the Division Engineer's Office in San Bernardino at 9:00 a.m. on September 16, 1983. The claimant and others were charged with allegedly assaulting Trackman J. P. Robinson in a bunk car at Goffa, California at approximately 8:00 p.m. on September 1, 1983. Pursuant to the investigation the claimant was assessed 30 demerits for being in violation of Rule 14, General Rules for the Guidance of Employees, Form 2626 Standard, 1978.

The testimony establishes that the claimant herein, with two other fellow employees, participated in physically abusing and injuring a fellow employee without cause. Such act was unjustified, and there is no justification for setting the discipline aside.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Organization Member

  
Carrier Member