

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: That the Carrier's decision to remove Claimant R. T. Woods from service was unjust; That the Carrier now reinstate Claimant Woods with seniority, vacation, all benefit rights unimpaired and pay for all wage loss as a result of investigation held August 17, 1984 continuing forward and/or otherwise made whole, because the Carrier did not introduce substantial creditable 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 notified to attend an investigation in Amarillo, Texas on August 17, 1984 concerning his alleged use of a Company credit card to purchase gasoline for his personal vehicle. The investigation has been reported and the testimony and evidence contained therein has been examined.

The claimant admitted his guilt and admitted that he knew it was wrong at the time. He stated during the investigation that he knew he would be dismissed. From his statements, he appeared to be a sincere employee and regretted his actions. However, this Board does not have the authority to overrule the decision of the Carrier. Under the circumstances, the claim is denied.

AWARD: claim denied.

Preston J. Moore, Chairman

Dated at Chicago, Ill
October 22, 1984



Union Member



Carrier Member