

PUBLIC LAW BOARD NO. 1582

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


STATEMENT OF CLAIM: That the Carrier's decision to assess Claimant 20 demerits after investigation November 9, 1984 was unjust; That the Carrier now expunge 20 demerits from Claimant's record, reimbursing him for all wage loss and expense incurred as a result of attending the investigation November 9, 1984 because a review of the investigation transcript reveals that substantial 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 a formal investigation in San Bernardino, California, to determine his responsibility in being absent from duty without proper authority on Monday, October 22, 1984, and for four and one-half hours on October 23, 1984. Pursuant to the investigation, the claimant was found guilty and assessed 20 demerits. The claimant was properly notified to attend the investigation, but failed to do so.

The Board has examined the entire transcript of record and all witnesses that were present testified that the claimant refused an order from Student Foreman Truitt and argued with him, threw a pick to the ground, and took a claw bar from the hands of the student foreman. Under those circumstances, there is no justification for setting the discipline aside.

AWARD: Claim denied.


Preston J. Moore, Chairman


Union Member


Carrier Member

Dated at Chicago, Ill.
December 17, 1984

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A. E. FARNSWORTH