

PUBLIC LAW BOARD NO. 1582

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

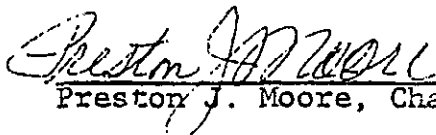
STATEMENT OF CLAIM: That the Carrier's decision to remove Southern Division Trackman J. E. Baker from service was unjust; That the Carrier now reinstate Claimant Baker with seniority, vacation, all benefit rights unimpaired and pay for all wage loss as a result of investigation held January 25, 1985 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 January 25, 1985 concerning personal use of a Company credit card and to determine the facts and place responsibility involving possible violation of Rules 1, 2, 4, 14, 16, and 29, General Rules For the Guidance of Employees, Form 2626 Std. Pursuant to the investigation, the claimant was dismissed from the service of the Carrier.


The Board has examined the transcript of record. The claimant admits his guilt in that he took the credit card illegally and used it many times for his personal use during the period of time that he was on layoff. At the time of the investigation the evidence indicates that he had used the credit card approximately 26 times using different names. It is obvious that the claimant knew he was improperly using the credit card. There is no basis to set the discipline aside.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Union Member

Dated at Chicago, IL  
March 25, 1985

  
Union Member