

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim that letters of reprimand issued Trackmen W. T. Smith and Fred Blair on September 28, 1984, following formal investigation held that date be expunged from the claimants' respective personal record files.

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 claimants were notified to attend a formal investigation in Fort Worth, Texas on September 28, 1984 concerning a report that they and one other trackman allegedly had alcohol in their possession while on duty and were inattentive to their duties at approximately 10:50 a.m. September 14, 1984, near west switch siding, Ward Spur. Pursuant to the investigation the claimants were found guilty and were issued letters of reprimand.


The Board has examined the transcript of record and the testimony of all involved. The claimant trackmen were not found guilty of drinking while on duty or subject to duty. They were found guilty of violating Rules 2, 15, and 17, General Rules for the Guidance of Employees Form 2626 Standard. Track Foreman J. M. Yzaguirre testified, as well as Road Foreman of Engines F. J. Smith, Rules Instructor O. D. Hamilton, and the claimants. After reviewing all of their testimony, it is the opinion of the Board that the discipline assessed is not justified by the evidence.

AWARD: Claim sustained.

ORDER: The Carrier is directed to comply with this award within thirty days from the date of this award.

  
Preston J. Moore, Chairman

Dated at Chicago, Illinois  
April 12, 1985

  
Union Member

  
Carrier Member