

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: That the Carrier's decision to assess Trackman L. A. Duran 30 demerits after investigation May 23, 1985 was unjust; That the Carrier now expunge 30 demerits from Trackman Duran's record, reimbursing him for all wage loss and expenses incurred as a result of attending the investigation May 23, 1985 because a review of the investigation transcript reveals that substantial evidence was not introduced that indicates Trackman Duran 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.

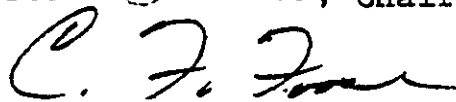
In this dispute the claimant was notified to attend a formal investigation at Clovis, New Mexico, on May 15, 1985 concerning the report that he had allegedly appropriated Carrier property for his personal use. The claimant's representative requested a postponement until May 23, 1985. The investigation was held at that time. Pursuant to the investigation, the claimant was found guilty and assessed 30 demerits for being in violation of Rules 14 and 29, General Rules for the Guidance of Employees, Form 2626 Std., 1973.


The claimant admitted that he had possession at his home and various locations several items which belong to the Santa Fe Railroad, including two pipe wrenches and several other items, such as fusees, chisels, spike maul, eight inches of 90# rail, five tubes of Dixie cups, a three-gallon water pail, and a ten-gallon water cooler.

After reviewing the transcript of record, there is no justification for setting the discipline aside.

AWARD: Claim denied.


Preston J. Moore, Chairman


Union Member


Carrier Member