

PUBLIC LAW BOARD NO. 1582

PARTIES) 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 Trackman B. L. Baca 30 demerits after investigation May 23, 1985 was unjust; That the Carrier now expunge 30 demerits from Trackman B. L. Baca'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 Baca 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 an investigation May 23 to determine the facts regarding his allegedly appropriating Company property for his personal use in possible violation of Rules 14, 16, and 29 of the General Rules for the Guidance of Employees, Form 2626 Std., 1978. A formal investigation was originally scheduled for May 16, but was postponed to May 23 at the request of his Union representative. Pursuant to the investigation the claimant was found guilty and assessed 30 demerits for his violation of Rules 14 and 29.

The Board has studied the transcript of investigation. The testimony of record and the exhibits have been studied by the Board. The evidence establishes that the claimant took several items of Santa Fe property. The total value of all the items identified came to \$95.06, and many of them were of less than one dollar value. The claimant admitted that they were Santa Fe property and that he had taken them. Under the circumstances, there is no justification for setting the discipline aside.

AWARD: Claim denied.


Preston J. Moore, Chairman


Union Member


Carrier Member