

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 remove Los Angeles Division Trackman P. W. Trindle from service was unjust; That the Carrier now reinstate Claimant Trindle with seniority, vacation, all benefit rights unimpaired and pay for all wage loss as a result of investigation held April 30, 1985 continuing forward and/or otherwise made whole, because the Carrier did not introduce substantial, creditable evidence that proved that the Claimant violated the rule 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 a formal investigation April 24, 1985 in Barstow, California, in connection with an alleged altercation in or around the outfit car at Vidal, California, about 7:30 p.m. on April 3, 1985 to determine his responsibility, if any, in connection with possible violation of Rules 2, 6, 14, 16, 17, and 31-B of General Rules for the Guidance of Employees, 1978, Form 2626 Std. By letter dated April 26, 1985 the claimant was notified that pursuant to the current Maintenance of Way Agreement Appendix 11 Letter of Understanding dated July 13, 1976, his seniority and employment were terminated because he was absent without proper authority commencing April 10, 1985. Pursuant to the formal investigation held April 30, 1985 the claimant was dismissed from the service of the Carrier for violation of Rules 16, 17, and 31-B.


The Board has reviewed all the testimony of record and the evidence submitted by the parties. After study and deliberation, it is the opinion of the Board that the evidence is insufficient to set aside the finding of the Carrier.

AWARD: Claim denied.


Preston J. Moore, Chairman

Dated at Chicago, Illinois
August 19, 1985


Union Member


Carrier Member