

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 dismiss Machine Operator Roger Lee Casey on August 24, 1984 was in violation of the current Agreement and in abuse of discretion; The Carrier will not be required to reinstate Mr. R. L. Casey to his former position with seniority and all other rights restored unimpaired and with compensation for all wage loss suffered.

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.

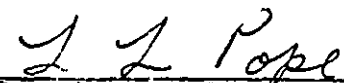
In this dispute the claimant had been employed as a trackman in 1979. On August 17, 1984 the claimant was operating a tie-handling machine and was in the process of moving the machine along with the remainder of the equipment assigned to the Gang to the work location for the day. The Gang had stopped and the claimant removed himself from the Tie-Handler and was standing beside it. The claimant was notified to attend a formal investigation on August 24, 1984. The claimant was charged with possible violation of Rules 2 and 6, General Rules for the Guidance of Employees 1978 Form 2626 Standard, in connection with his allegedly having in his possession a bag of marijuana while employed as a machine operator on Tie Gang 31 in the vicinity of M.P. 40 on the C. V. District August 17, 1984. The investigation was held as scheduled and pursuant to the investigation the claimant was found guilty and dismissed from the service of the Carrier.

The claimant admitted having possession of the bag of marijuana, but claims he found a small plastic bag laying just inside the rail and when he picked it up and put it in his pocket, the Carrier's Assistant Roadmaster approached him and asked him to hand him the bag. The transcript of record contains 32 pages of testimony which has been studied by the Board. After review of all the evidence, it is the opinion of the Board that the Carrier is justified in its decision. There is no basis to overrule the decision of the Carrier.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Union Member

  
Carrier Member

Date at Chicago, Illinois  
August 19, 1985