

PUBLIC LAW BOARD NO. 1582

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

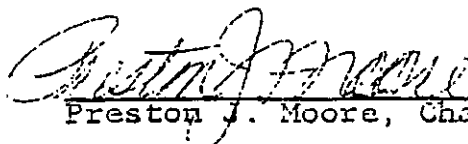
STATEMENT OF CLAIM: That the Carrier's decision to dismiss Machine Operator Mr. J. R. Carrillo on February 14, 1984 was in violation of the current Agreement and in abuse of discretion; That the Carrier will now reinstate Mr. J. R. Carrillo to his former position with seniority and all other rights restored unimpaired with compensation for all wage loss suffered.

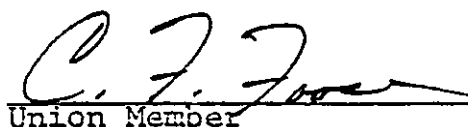
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant was employed by the Carrier in 1970. On January 11, 1984 the claimant was found guilty of the offense of indecency with a child by sexual contact in Bell County, Texas. He was sentenced to confinement in the Texas Department of Corrections for a period of eight years. By letter dated February 10, 1984, the claimant was notified to attend a formal investigation at Temple, Texas, February 21, 1984. Upon the request of the Union, the investigation was postponed until February 24, 1984.

The claimant admitted he had been found guilty of the above charges. He contended he was not guilty. The record indicates that the claimant had been convicted of a misdemeanor charge of aggravated assault on a female in 1974 and was convicted of indecency with a child by contact in 1978. Under these circumstances, there is no justification for setting the discipline aside.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Union Member

Dated at Chicago, Illinois  
August 19, 1985

  
Carrier Member