

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 Claimant C. C. Becknell thirty demerits after investigation August 29, 1985 was unjust; That the Carrier now expunge thirty demerits from Claimant C. C. Becknell's record, reimbursing him for all wage loss and expenses incurred as a result of attending the investigation August 29, 1985 because a review of the investigation transcript reveals that substantial evidence was not introduced that indicates Claimant 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 by letter dated August 19, 1985 to attend an investigation August 29, 1985 to develop the facts and place his responsibility, if any, in connection with possible violation of Rules 13 and 15, General Rules for the Guidance of Employees, Form 2626 Standard, concerning his alleged absence from duty without permission on July 31 and August 1, 1985. Pursuant to the investigation, the claimant was found guilty and assessed thirty demerits.

Tommy C. Horton, Extra Gang Foreman, testified that the claimant was assigned to his gang on July 31 and August 1, 1985. He further testified that the claimant did not report for duty on those two dates, and that he had not given him permission to be absent.

John Rush, Assistant Division Engineer, testified that the claimant was absent on those two dates. Roadmaster Rush testified that the claimant advised him that the reason for being off was that he went to the office.

The claimant admitted that he did not obtain permission from his Gang Foreman or the Roadmaster to be absent on the two dates in question. The claimant testified that on the first, he sent a wire from North Wichita to the Foreman that he would be absent until August 5. The claimant also testified that he had some car problems on the 31st of July.

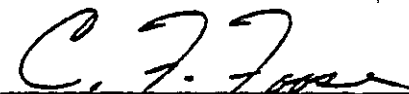
After reviewing all the evidence and testimony of record, it appears

to the Board that the discipline assessed is too severe under these circumstances. The Carrier is directed to reduce the demerits assessed to fifteen demerits.

AWARD: Claim sustained as per above.

ORDER: The Carrier is directed to comply with this award within thirty days from the date of this award.


Preston J. Moore, Chairman


Union Member


Carrier Member

Dated at Chicago, Illinois
October 11, 1985