

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 Claimant T. L. McCauley twenty demerits after investigation September 27, 1985 was unjust; That the Carrier now expunge twenty demerits from Claimant McCauley's record, reimbursing him for all wage loss and expenses incurred as a result of attending the investigation September 27, 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 to attend a formal investigation in Winslow, Arizona on October 4, 1985, to determine his alleged violation of Rules 13 and 15, General Rules for the Guidance of Employees, Form 2626 Standard, when he was allegedly absent without proper authority on August 22, 1985. Pursuant to the investigation, the claimant was found guilty and assessed twenty demerits. At the time in question, the claimant was assigned as a trackman on the Williams Section, Albuquerque Division.


The claimant received a notice to attend another formal investigation on October 4, 1985 on the same charge for the dates of September 13 and 16, 1985. The evidence of record is sufficient for the Carrier to find that the claimant was guilty in both cases.

The Carrier assessed twenty demerits. Under the circumstances, there is no justification for setting the demerits aside.


AWARD: Claim denied.

Dated at Chicago, Illinois

November 4, 1985

  
Preston J. Moore, Chairman

  
Union Member

  
Carrier Member