

PUBLIC LAW BOARD NO. 1582

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


STATEMENT OF CLAIM: Claim in behalf of former Trackman R. W. Dalen, Middle Division, for reinstatement to his former position with seniority, vacation and all other rights unimpaired and compensation for wage loss beginning December 20, 1974.

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 a formal investigation was held to determine the facts and place the responsibility concerning an altercation at bunk cars, Strong City, Kansas on December 10, 1974, and the alleged use of an alcoholic beverage on that night, failure to keep bunk car in a clean and sanitary condition and possible violation of Rules 3, 7, 17, 18 and 25.

The Board has examined the transcript of record, and the claimant admits he had gotten drunk and angry and that he initiated the altercation. Perhaps his reasons for doing so may have been laudatory, but the matter should have been corrected in another manner. Under the circumstances the Board has no justification to overrule the decision of the Carrier.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Organization Member

  
Carrier Member