

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM:

1. That the Carrier's decision to assess Claimant L. G. Williams thirty (30) demerits after investigation October 23, 1987 was unjust.

2. That the Carrier now expunge thirty (30) demerits from the Claimant's record, reimbursing him for all wage loss and expenses incurred as a result of attending the investigation October 23, 1987 because a review of the investigation transcript reveals that substantial evidence was not introduced that indicates the 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 Amarillo, Texas on October 19, 1987 concerning his allegedly being absent without proper authority from his assignment on Extra Gang 31 on September 24, 1987, so as to determine the facts and place responsibility, if any, involving possible violation of Rules 13 and 15 of the General Rules for the Guidance of Employees.

The investigation was postponed and held on October 23, 1987. Pursuant to the investigation the claimant was found guilty and was assessed thirty demerits.


L.A. McClure, Extra Gang Foreman Tie Gang 31, testified that he was the foreman on Tie Gang 31 assigned at Tyler, Texas on September 24, 1987. He stated that the claimant was assigned to his gang and did not work on that date and further he did not grant the claimant permission to be off work.

The claimant testified that he did not have permission to be off, but he did not work his assignment on that date.

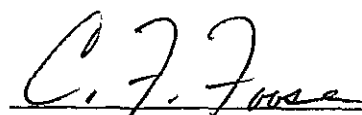
After reviewing the transcript of record, it appears to the Board that thirty demerits is excessive and directs the Carrier to reduce the discipline to twenty demerits.

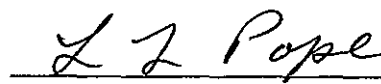
AWARD: Claim sustained as per above.

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


Preston J. Moore, Chairman

*Dated at Chicago, Illinois
December 14, 1987*


Union Member


Carrier Member