

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM:

1. That the Carrier's decision to assess Claimant D. Alarcon thirty (30) demerits after investigation March 21, 1988 was unjust.
2. That the Carrier now expunge thirty (30) demerits from Claimant's record, reimbursing him for all wage loss and expenses incurred as a result of attending the investigation March 21, 1988 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, along with H. Yazzie and A. Yazzie, were notified to attend a formal investigation at Winslow, Arizona on February 16, 1988 concerning their alleged violation of Rules 1, 2, 14, 15 and 16, General Rules for the Guidance of Employees, Form 2626 Standard, 1978, when they allegedly failed to follow the instructions of Foreman Gauladet and Track Supervisor Bravo regarding reporting to their work assignment and being absent without proper authority on January 22, 1988.

These employees were further charged with their alleged violation of Rule 6, General Rules for the Guidance of Employees, Form 2626 Standard, 1978 while on duty and on Company property near Kingman, Arizona on January 12, 1988.

The investigation was postponed and was held in Winslow, Arizona on March 21, 1988. Pursuant to the investigation the claimant herein was assessed thirty demerits for violation of Rules 1, 2, 14, 15 and 16.

The transcript contains 48 pages of testimony. The evidence of record has been studied by the Board.

The evidence reveals that Foreman Gauladet instructed the claimant to go with Harold and Alex Yazzie but did not tell them specifically

where they are going. The claimant also talked to Track Supervisor Bravo who advised him he was supposed to go to Navajo on Monday. Track Supervisor Bravo did tell H. Yazzie where they were supposed to be working.

The testimony of all the witnesses has been reviewed. The evidence is insufficient to establish that claimant Alarcon violated the rules as charged. Therefore, the thirty demerits will be removed from the claimant's record, and he will be paid for all time lost.

AWARD: Claim sustained.

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

*Dated at Chicago, Illinois
May 4, 1988*


Carrier Member