

## PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM:

1. Carrier's decision to remove former System Steel Gang Trackman Calvin Denny from service, effective October 30, 1987, was unjust.
2. Accordingly Carrier should be required to reinstate Claimant Denny to service with his seniority rights unimpaired and compensate him for all wages from October 30, 1987.

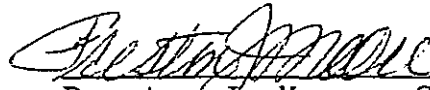
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant was notified to attend a formal investigation at Fresno, California on November 19, 1987. He was charged with possible violation of Rules 1, 2 and 6 of Form 2626, Standard, General Rules for the Guidance of Employees, at Oakley, California on October 30, 1987. The investigation was postponed until December 8, 1987 and was held at Gallup, New Mexico.

The claimant herein was a machine operator and was one of three principals charged with the same offense. The claimant did not appear at the investigation although C. E. Gilliam, Representative of the BMWE, appeared to represent the claimant.

The evidence presented is sufficient for the Carrier to find that the claimant was guilty. Under the circumstances there is no justification to set the discipline aside.

AWARD: Claim denied.

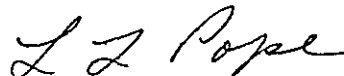


Preston J. Moore, Chairman



Union Member

*Dated at Chicago, Illinois  
July 6, 1988*



Carrier Member