

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 Kansas Division Trackman A. R. Hazen from service, effective March 30, 1989, was unjust.
2. Accordingly, Carrier should be required to reinstate Claimant Hazen to service with his seniority rights unimpaired and compensate him for all wages lost from March 30, 1989.

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 an investigation in Oklahoma City, Oklahoma on March 30, 1989 to develop all facts and place responsibility, if any, concerning a report alleging that he was absent without proper authority from February 28, 1989 until March 15, 1989 and a report he had falsified Form 1421 Standard dated February 22, 1989 claiming an injury, and a report alleging he had brought discredit to the Santa Fe when he was convicted of a felony and to determine if he had violated Rules B, L, 1004, 1007, 1018 and 1028(b), Form 2629 Standard, Safety and General Rules for All Employees effective April 1, 1988.

Pursuant to the investigation the claimant was dismissed from the service of the Carrier. The Board has examined the transcript of record which contains 17 pages of testimony, along with court records and other exhibits.

The evidence establishes the claimant reported he had an injury on February 17, 1989. However, the evidence establishes that claimant falsified the report stating he was injured, and such was done in an effort to be returned to work when he was released from prison.

The evidence establishes that the claimant was found guilty of a felony, i.e., unlawful possession of controlled drugs, after former conviction of a felony. The Court ordered the claimant to serve 20 years.

There is no justification to overrule the decision of the Carrier.


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AWARD: Claim denied.

*Dated at Chicago, Illinois*  
*October 9, 1989*

  
Preston J. Moore, Chairman

  
Union Member

  
Carrier Member