

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim in behalf of Eastern Division Trackman T. L. Green, for reinstatement to his former position with seniority, vacation and all other rights unimpaired and compensation for wage loss beginning June 11, 1975.

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 claimant was charged with his responsibility in connection with being absent from duty without authority on June 3 and 4 of 1975, damaging company property through carelessness on the morning of June 4, 1975 and possessing a narcotic while subject to duty on company property on June 4, 1975.

The Board has examined the transcript and evidence of record and finds claimant testified he did not report for duty as required on the morning of June 3. Claimant testified he was sick and proceeded to a bar where he drank from approximately 8:00 p.m. till 1:30 a.m. on the morning of June 4. Claimant admitted he was drunk and drove his car in a negligent manner on company property and caused damage to an engine clearance sign, two toilets and a water hydrant. Claimant also admitted that a bag of Marijuana was found in his locker. Claimant asked the officer at the investigation if the marijuana would be returned to him.

Through his own testimony the claimant admitted he was guilty and the charges made were very serious charges. Claimant had been an employee for four months and this does not imply that if he had been employed for a longer period that discharge would not have been justified, but there can be no justification or basis whatsoever for overruling the decision of the Carrier.

AWARD: Claim denied.

sd/ Preston J. Moore
Preston J. Moore, Chairman

sd/ S. E. Fleming
Organization Member

sd/ B. J. East
Carrier Member