

Award No. 188
Case No. 193

PUBLIC LAW BOARD NO. 4244

**ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.
AND
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES**

STATEMENT OF CLAIM: Carrier's decision to remove former Western Region Maintenance of Way employee D. J. Felix from service effective May 1, 1995 was unjust.

Accordingly, the Carrier should now be required to reinstate the claimant to service with seniority rights unimpaired and compensate him for all wages lost from May 1, 1995.

FINDINGS: This Public Law Board No. 4244 (the "Board") finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended. Further, the Board has jurisdiction over the parties and the subject matter involved.

In this dispute D. J. Felix (the "Claimant") was notified to attend a formal investigation on May 16, 1995, concerning his improper and unauthorized use of a company vehicle credit card on April 30, 1995, in possible violation of Rules 1.6 and 1.19 of the Safety and General Rules for All Employees. As a result of the investigation, the Carrier determined that the Claimant violated the cited rules, and he was removed from service.

In summary, Special Agent D. W. Vanhook investigated a report of improper use of a Carrier credit card to fuel a personal vehicle on April 30, 1995. Vanhook obtained a statement from the station attendant and a receipt for the gasoline purchase signed by the Claimant.

The Claimant testified that his Carrier vehicle would not start because of a dead battery when he was called for an emergency. He did not want to wake his wife to jump-start his vehicle so he decided to take his own vehicle. However, his personal vehicle was low on fuel, but because he had no money to purchase gas he used the Carrier credit card.

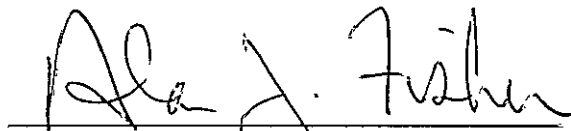
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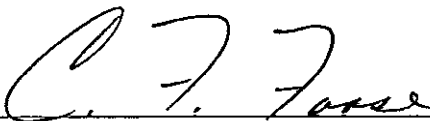
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The Board has conducted a thorough review of the record. Based on the review the Board finds that the Claimant violated the cited rules when he used the Carrier's credit card to purchase gasoline for his personal vehicle. There is no basis for the Board to hold that the discipline assessed the Claimant was excessive. All employees with Carrier credit cards know of their responsibility concerning the use of such cards.

AWARD: Claim denied.



Alan J. Fisher
Chairman and Neutral Member



Clarence F. Foose
Organization Member



Greg Griffin
Carrier Member

Dated: 7/31/96
Fort Worth, Texas