

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: 1. That the Carrier violated the Agreement between the parties when Northern Division Trackman J. A. Balderama was removed from service June 1, 1979, said removal being excessive and in abuse of discretion.

2. That the Carrier now reinstate former Trackman J. A. Balderama to service with seniority, vacation, all other rights unimpaired and wage loss beginning June 1, 1979, continuing forward.

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.

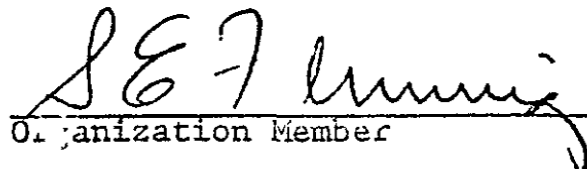
The claimant was employed by the Carrier May 8, 1978. On May 17, 1979 the claimant was working in Sweetwater Yard on Extra Gang 66. The section foreman observed the claimant working without his safety glasses and instructed the claimant to put them on. The claimant said it was too dark to wear the glasses and refused to put them on. The safety foreman repeated his instructions several more times but the claimant refused and threw the glasses against the rail, breaking them. Immediately thereafter the claimant left work.

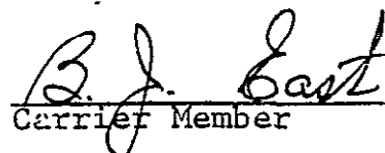
The claimant was notified by mail May 21, 1979 to attend a formal investigation on May 31, 1979. Pursuant to the investigation, claimant was found guilty of violating Rules 1, 14, 16 18, and Safety Rules 33 and 35. The Organization contends the discipline assessed in this case was excessive in relation to the rules allegedly violated.

The claimant was guilty of insubordination and also of throwing the safety glasses. Under the circumstances with the short tenure of seniority of the claimant, there is certainly no justification to overrule the decision of the Carrier.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Organization Member

  
Carrier Member