

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim in behalf of former Los Angeles Terminal Division Trackman Delbert C. Williams "for reinstatement to his former position with seniority, vacation and all other rights unimpaired, and compensation for any wage loss he may have as a result of his removal from service beginning July 8, 1974 continuing forward to date that he is restored to service."

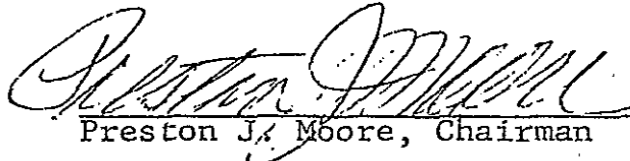
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute claimant was charged with absence from duty without authority in violation of Rules 3 and 16. An investigation was held and claimant was found guilty and discharged from the service of the Carrier.

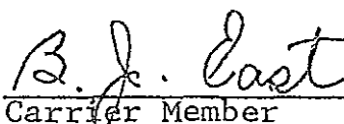
The Organization contends that the hearing was improper in that there was an allegation by a special agent that claimant had been incarcerated in connection with public drunkenness and the use of drugs. The Organization contends it was improper to consider this testimony in the absence of any other evidence. The Organization contends the investigation should have been postponed until the claimant was released from jail.

The Board has examined the transcript and finds there is sufficient evidence for the Carrier to make a finding that claimant did violate Rules 3 and 16. Evidence further indicates claimant was committed to jail for public drunkenness and being under the influence of heroin. Claimant was employed in 1972 and certainly without an extended tenure of service with the Carrier, there is nothing under these circumstances which would justify overruling the decision of the Carrier. Under these circumstances the discipline assessed is neither harsh, arbitrary or unjust.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member

January 2, 1976