

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 Trackman R. A. Romero, Valley Division, for reinstatement to his former position with seniority, vacation and all other rights unimpaired and compensation for gross wage loss beginning March 22, 1979, continuing forward until he is returned his respective position as trackman.

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.

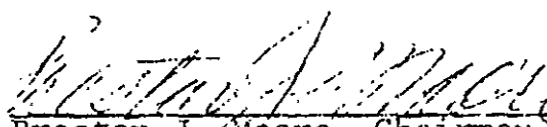
In this dispute the claimant was notified to attend a formal investigation on March 1, 1979 to determine the facts and place the responsibility, if any, concerning a report that the claimant allegedly took gasoline from a company vehicle.

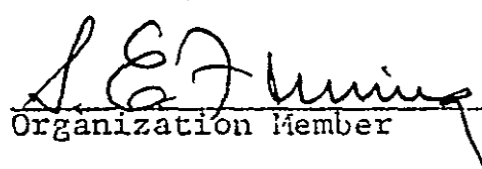
The investigation was held on March 22, 1979, and the claimant did not attend. Pursuant to the investigation the claimant was found guilty and on April 25, 1979 was notified he was being removed from service for removing gasoline from a company vehicle and placing it in his personal vehicle in violation of Rules 2, 16 and 29, General Rules for the Guidance of Employees.

The Organization has filed a comprehensive brief in support of the claimant and contends the Carrier failed to prove the claimant was the employee who performed the act and that the Carrier's method of investigating the incident was inadequate to establish the claimant's guilt.

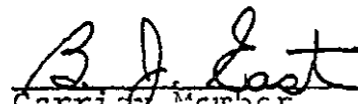
The referee has examined all of the evidence and testimony of record, and after a careful review, finds that the Carrier has established the guilt of the claimant. Under those circumstances the Board has no alternative but to deny the claim.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member

Dated August 19, 1980


Carrier Member