

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 former Trackman J. R. Dorrell, Illinois Division, for reinstatement with seniority, vacation, all other rights unimpaired and compensation for all wage loss beginning February 27, 1980.

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 charged with being discourteous, insubordinate, quarrelsome and vicious toward his foreman on February 27, 1980. Pursuant to the investigation the claimant was discharged but was reinstated on a leniency basis on April 28, 1980.

The Board has examined the transcript and the evidence of record, and although it appears from the evidence that the claimant violated the rules of the Carrier, the evidence also indicates that the foreman must bear a great deal of responsibility. The evidence is clear and convincing that the foreman may be the cause of many of the problems existing in this dispute, and perhaps others as well.

For that reason the Board finds that the discipline assessed is excessive, and the claimant should be paid for all time lost from March 28, 1980 to April 28, 1980.

AWARD: Claim sustained as per above.

ORDER: The Carrier is directed to comply with this award within thirty days from the date of this award.

  
Preston J. Moore, Chairman

  
Organization Member

  
Carrier Member

Dated November 24, 1980