

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM:

1. That the Carrier's decision to remove claimants Broadnax, Beck and Beck from the service is not supported by substantial evidence and even if the record contained sufficient evidence, the discipline of permanent removal was too harsh.
2. That the Carrier be directed to reinstate claimants to service with seniority, vacation, all benefit rights unimpaired and pay for all wage loss beginning July 17, 1981, continuing forward and/or otherwise made whole.

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 claimants became involved in an argument which could have developed into a very serious situation. One of the claimants pulled a knife, another claimant had a hammer in his hand, and the third claimant had some heavy plates, all of which could have caused serious injury. However, good sense prevailed, and no fight occurred.

An investigation was held by the Carrier, and the claimants were dismissed from service.

The personal records of the three claimants have been reviewed, and there is no evidence of any previous acts of this nature by any of the claimants. It should be pointed out that if any one of the claimants had a previous tendency toward losing his temper, creating a disturbance or fighting, permanent discharge would be justified under such circumstances.

However, under the circumstances herein it is the opinion of the Board that permanent discharge is too severe. Therefore, the Carrier is directed to reinstate the claimants with seniority and all other rights unimpaired but without pay for time lost.

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


Carrier Member


Organization Member