

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 permanently dismiss Northern Division Trackman E. L. Gaiters is unjust.
2. That the Carrier now reinstate Claimant Gaiters to service with seniority, vacation, all benefit rights unimpaired and pay for all wage loss beginning March 11, 1982, continuing forward and/or otherwise made whole because substantial evidence was not adduced at the investigation that sustains the Carrier's decision and even if substantial evidence was introduced the decision of the Carrier is harsh and excessive.

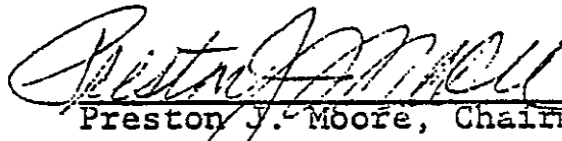
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant was charged with violation of Rules 1, 2, 14 and 16 when he allegedly sustained a personal injury on Extra Gang 63 at Ardmore, Oklahoma at approximately 10:30 a.m. on February 8, 1982. Pursuant to the investigation the claimant was dismissed from the service of the Carrier.

The transcript contains 45 pages of testimony by a safety supervisor, the student foreman, as well as all of the co-workers of the claimant herein. A substantial portion of the testimony is single spaced and took a considerable amount of time to study and consider.

There is substantial testimony for the Carrier to reasonably find that the claimant was guilty of the charges. There is no reason or justification for setting the discipline aside.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member

Dated at Chicago, Illinois
May 7, 1982


Carrier Member