

AWARD NO. 269  
Case No. 302

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim on behalf of Southern Division Trackman Nehemias Rangel, seniority date January 3, 1977, for reinstatement with seniority, vacation, all rights unimpaired and pay for wage loss commencing August 25, 1983, continuing forward and/or otherwise made whole.

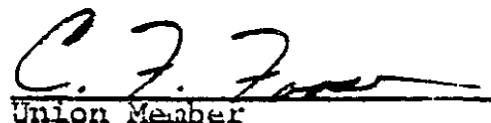
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.


In this dispute, the claimant was notified to attend a formal investigation in Temple, Texas, Friday, September 2, 1983, wherein the claimant was allegedly charged with having marijuana cigarettes in his possession while on Company property, at about 12:30 p.m., August 25, 1983. Pursuant to the investigation, the claimant was found guilty and discharged from the service of the Carrier.

The Board has examined the entire transcript of record. The evidence establishes that the claimant made a statement to a special agent in which he acknowledged that the agent found marijuana in the claimant's possession on the property. The claimant further admitted that he had been smoking marijuana on Company property for some period of time. The claimant signed a statement to that effect voluntarily. The special agent had warned the claimant, and the claimant signed an acknowledgement of his rights. The claimant did not deny making the statement and signing the statement. Under the circumstances, there is no justification for setting the discipline aside.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Union Member

  
Carrier Member