

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: That the dismissal of Assistant Foreman D. G. Navarro was based on unproven charges, in abuse of discretion, totally unjust and in violation of the current Agreement; that claimant be reinstated to the service of the Carrier with seniority and all other rights restored unimpaired and with compensation for all wage loss suffered.

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 had been employed by the Carrier for approximately 20 years. He worked for the Carrier as a Clerk for eight years, and then transferred to the Maintenance of Way Department where he has been employed for approximately twelve years. On March 20, 1983, the claimant was removed from service, as well as eight other Maintenance of Way employees. He was charged for being in violation of several Carrier rules which involved the "misuse of Carrier credit card; falsifying payroll records; misappropriation of Railroad property, tools, and equipment; engaging in outside employment without authority; misrepresentation of facts; withholding of information while failing to report rule violations; etc." The investigation was held, and pursuant to the investigation the claimant was found guilty and dismissed from the service of the Carrier.

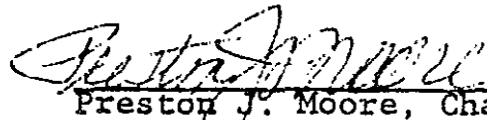
All of the employees involved were dismissed from the service of the Carrier. One of the employees resigned and retired, seven others were reinstated on a leniency basis, and the claimant and one other employee were refused reinstatement. The Organization alleges that the evidence is insufficient to establish the claimant's guilt. The Organization contends that the evidence of two employees lacks any support and should be discounted.

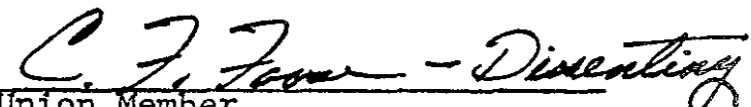
The transcript contains 321 pages of testimony. The Board has examined all the testimony and evidence presented and finds that there is sufficient evidence for the Carrier to find that the claimant was guilty. The charges were serious charges and under the circumstances, there is no justification to set the discipline aside.

AWARD: Claim denied.

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Preston J. Moore, Chairman

 - Dissenting
Union Member


Carrier Member

Dated at Chicago, Illinois
September 18, 1984