

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: That the Carrier's decision to suspend Claimant Lujan for 90 days after investigation July 31, 1984 was unjust; That the Carrier now reinstate Claimant Lujan with seniority, vacation, all benefit rights unimpaired and pay for all wage loss as a result of investigation held July 31, 1984 continuing forward and/or otherwise made whole, because the Carrier did not introduce substantial, creditable evidence that proved that Claimant violated the rules enumerated in their decision, and even if Claimant violated the rules enumerated in the decision, a 90 day suspension from service is extreme and harsh discipline under the circumstances.

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 at El Paso, Texas on July 31, 1984 concerning the charge that the claimant was negligent, indifferent to duty, and quarrelsome when he became involved in a verbal altercation while on duty July 19, 1984. Pursuant to the investigation, the Carrier found him guilty of violating Rules 1, 2, 16, and 17 of The General Rules for the Guidance of Employees, 1978, Form 2626 Standard. The claimant was suspended for 90 days and the other employee involved was discharged.

The testimony of the claimant and E. Castaneda has been read in its entirety. The claimant may have some legitimate complaints, but he did not avail himself in complaining to supervisors and, instead, continued in heated verbal confrontation with another employee. Under the circumstances, there is no justification to set the discipline aside.

AWARD: Claim denied.


Preston J. Moore, Chairman


Union Member

Dated at Chicago, Ill.
October 22, 1984


Carrier Member