

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: That the Carrier's decision to assess Claimant 20 demerits after investigation October 29, 1984 was unjust; That the Carrier now expunge 20 demerits from Claimant's record, reimbursing him for all wage loss and expenses incurred as a result of attending the investigation October 29, 1984 because a review of the investigation transcript reveals that substantial evidence was not introduced that indicates Claimant is guilty of violation of rules he was charged with in the Notice of Investigation.

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.

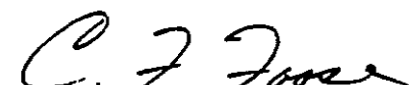
In this dispute, the claimant was notified to attend an investigation October 29, 1984 at the office of the Division Engineer in Winslow, Arizona. The claimant was charged with violation of Rule C, 752 (A) and (C), and 765, Rules, Maintenance of Way and Structures, effective January 5, 1975, when the claimant allegedly appropriated railroad company bunk car chairs for his personal use and for being absent without proper authority on October 5, 1984. Pursuant to the investigation, the claimant was assessed 20 demerits and notified that this assessment brings his personal record to 55 demerits. He was cautioned that any further demerits could result in dismissal. A special agent testified that he was called to the claimant's house by the Police Department and that he observed several wooden chairs that had "AT&SF RY" stenciled under the seat portion.

The claimant admitted that he took the chairs, but alleged that he was going to return them, and was only concerned that if he left them in the Carrier's truck outside overnight that someone would appropriate them for their own use. He further testified that he placed them under his house and then had simply forgotten them.

This is a very serious matter, and the discipline assessed should cause the employee's memory to better recall in the future. Under the circumstances, there is no justification for setting the discipline aside.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Union Member

  
Carrier Member

RECEIVED  
DEC 24 1984  
C. F. MOORE