

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 Carrier's decision to assess Trackman P. A. Duran 30 demerits after investigation May 23, 1985 was unjust; That the Carrier now expunge 30 demerits from Trackman P. A. Duran's record reimbursing him for all wage loss and expenses incurred as a result of attending the investigation May 23, 1985 because a review of the investigation transcript reveals that substantial evidence was not introduced that indicates Trackman Duran 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, Division Trackman P. A. Duran, was notified to attend a formal investigation at Clovis, New Mexico, on May 16, 1985, to determine his responsibility concerning a report that he allegedly appropriated Company property for his personal use and to determine his possible violation of Rules 14, 16, and 29 of the General Rules for the Guidance of Employees, Form 2626 Std., 1978. The investigation was postponed to May 23, 1985. Pursuant to the investigation the claimant was found to be in violation of Rules 14 and 29, and assessed 30 demerits.

The transcript of record establishes that the claimant conceded that he had some Company property in his possession. The evidence indicates that he had property of which the cost value was approximately \$80.00. After reviewing all the testimony of record, the Board finds there is no justification for setting the discipline aside.

AWARD: Claim denied.


Preston J. Moore, Chairman


Union Member


Carrier Member