

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 in behalf of former Southern Division Trackman Stokely L. Joiner with seniority, vacation and all other rights unimpaired and compensation for wage loss beginning January 13, 1975 continuing forward to date that he is restored to service.

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 claimant was charged with possible violation of Rules 3, 16, 17, 30 and 37 of the General Rules and Rules 6 and 7 of the Safety Rules.

On November 25, 1974 the claimant reported to the Division Engineer's Office and claimed that he had sustained an injury on duty on October 3, 1974 when tie plates had fallen off a pushcar onto his ankle. The Carrier officials made a comprehensive investigation, and as a result thereof, concluded that the injury had been sustained elsewhere and filed charges against the claimant.

The record indicates claimant worked September 30 and October 1 and October 2 through October 5 under a regular foreman. The Board has studied the evidence of record, and it is sufficient to prove that claimant was guilty as charged by the Carrier.

The claimant was notified by certified mail of the investigation and failed to appear. Claimant had been in the service of the Carrier for less than one year. In view of the claimant's work record, there is no justification for overruling the decision of the Carrier.

AWARD: Claim denied.

sd/ Preston J. Moore
Preston J. Moore, Chairman

sd/ S. E. Fleming
Organization Member

sd/ B. J. East
Carrier Member