

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM:

1. Carrier's decision to remove former Albuquerque Division Trackman J. K. Joe from service, effective July 24, 1986, was unjust.
2. Accordingly, Carrier should be required to reinstate claimant Joe to service with his seniority rights unimpaired and compensate him for all wages lost from July 24, 1986.

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 in Winslow, Arizona on August 15, 1986 concerning his alleged violation of Rule 6, General Rules for the Guidance of Employees, Form 2626 Std. while on Company property on July 24, 1986 at Winslow, Arizona while employed as a trackman on East Winslow Section.

The investigation was postponed and rescheduled for August 22, 1986. Pursuant to the investigation the claimant was dismissed from the service of the Carrier.

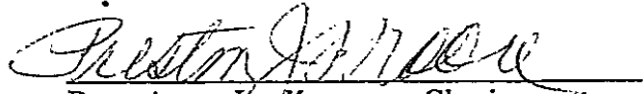
Thereafter, on appeal by the Union and the claimant, as well as the claimant's daughter, the Company agreed to reinstate the claimant on a leniency basis under the provisions of a letter dated November 19, 1986.

Thereafter by letter dated May 23, 1988 the Carrier advised the claimant that he had failed to comply with the terms of his reinstatement and therefore he was being terminated. At that time the Union proceeded with the original claim which is now before this Board for a decision.

The Board has examined the testimony of record in the investigation and finds that the evidence is substantial and sufficient for the Carrier to find that the claimant was guilty as charged. The claimant had an extremely poor record, and dismissal is justified under the circumstances.


The Carrier did reinstate the claimant on a leniency basis with several provisions, and the evidence establishes that the claimant failed to comply with the provisions of the leniency reinstatement. The Board has no justification to overrule the decision of the Carrier.

AWARD: Claim denied.


Preston J. Moore, Chairman

*Dated at Chicago, Illinois
August 18, 1988*


Organization Member


Carrier Member