

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: 1. That the Carrier violated the agreement between the AT&SF Railway Company and its employees particularly but not limited to Article V thereof, when Carrier dismissed Cullen C. Becknell for 90 days as a result of investigation held September 29, 1976 at Assistant Trainmaster's office in Wichita, Kansas

2. That the Carrier now compensate the claimant for all wage loss suffered as a result of his 90 day suspension resulting from investigation held September 29, 1976.

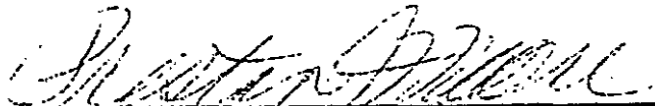
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

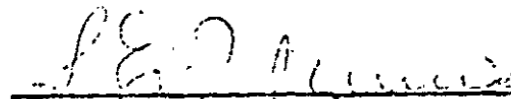
In this dispute the claimant was charged with a possible violation of Rules 2, 14, 15, 16, 17 and 32B. Pursuant to the investigation the claimant was found guilty and assessed a 90 day suspension. The Organization contends the evidence does not support the charges and that the discipline assessed is harsh, arbitrary and unjust.

The Board has examined the testimony and transcript of record. It appears that it was raining and the employees did not want to work in the rain and instead of getting in the truck and waiting for the rain to cease and then report to work, the claimant decided to get sick and go home.

Under the circumstances herein the evidence is sufficient to establish that the claimant was guilty, and in view of the testimony of record, there is no basis to overrule the decision of the Carrier. Under these circumstances a 90 day suspension is reasonable and just.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member

Dated November 27, 1978