

NATIONAL **RAILROAD** ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25470  
Docket Number MS-24736

Robert W. McAllister, **Referee**

(Heron Borders

**PARTIES TO DISPUTE:** (

(Atchison, Topeka and Santa Fe Railway Company

**STATEMENT OF CLAIM:**

My termination was **uncall** (sic) for, unjust, and **without** merits, warrant and discriminatory in every respect.

**OPINION OF BOARD:** At the **time** of his termination, the Claimant, H. L. Borders, had a seniority date of May 18, 1972, and was a Relief Clerk at the Carrier's Hobart Yard in Los Angeles, California. On October 24, 1980, the Claimant was informed he was removed from service for violation of General Rules for the Guidance of **Employees** (Rules 2 and 31). The record establishes the Carrier has long had in place a progressive disciplinary system which subjects **Employees** who accrue sixty or more demerits to dismissal. The record also reveals that, on March 27, 1980, the Claimant was made aware he then had accumulated a total of fifty-five demerits.

This Board holds that, although the handling of this grievance was not procedurally proper, **our** examination of the facts supports a finding the Carrier has proven by a preponderance of the probative evidence introduced that the Claimant was guilty as charged.

**FINDINGS:** The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the **Employees involved** in this dispute are respectively Carrier and **Employees** within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated

**A W A R D**

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

  
Nancy F. Lever - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of May 1985.