

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim in behalf of former Trackman John A. McGill, Middle Division, for reinstatement to service with seniority, vacation and all other rights unimpaired and compensation for wage loss beginning November 19, 1979, continuing forward until he is reinstated.

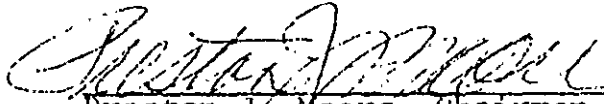
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

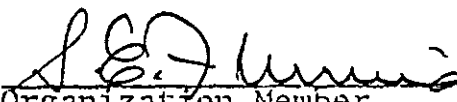
In this dispute claimant was dismissed from the service of the Carrier for accumulating 60 demerits. The claimant signed for all of the demerits. There was some dispute regarding whether the claimant had requested permission to be absent from work, but the claimant nevertheless signed for the demerits. The claimant had been advised October 12, 1979 that his record stood charged with 45 demerits and that the accumulation of 60 demerits would subject him to dismissal.

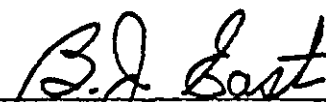
However, because of the unusual circumstances in this case and the conflict which exists, it is the opinion of the Board that the claimant should have one last opportunity and should be reinstated with seniority and all other rights unimpaired but without pay for time lost and with his record standing at 45 demerits.

AWARD: Claim sustained as per above.

ORDER: The Carrier is directed to comply with this award within thirty days from the date of this award.

  
Preston J. Moore, Chairman

  
Organization Member

 - I Dissent  
Carrier Member

Dated August 19, 1980