

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM:

1. Claim for removal of twenty demerits assessed the personal record of former Coast Lines Welder Helper G. T. Juarez as a result of investigation held August 17, 1981 for being absent without proper authority.
2. Claim for removal of twenty demerits assessed the personal record of former Coast Lines Welder Helper G. T. Juarez as a result of investigation held August 17, 1981 for being absent without proper authority.
3. Claim for reinstatement of former Coast Lines Welder Helper G. T. Juarez to his former position of Welder Helper with seniority, vacation and all other benefits restored and that he be compensated for all wage loss and/or made whole beginning October 2, 1981.

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.

There are three claims involved in this dispute. The first two claims involved twenty demerits on each occasion for the claimant being absent without proper authority, and the third claim is for reinstatement of the claimant.

The Board has carefully studied each investigation and is impressed with the claimant's desire to work. It is true that in each of the instances where the claimant amassed twenty demerits, he was absent without proper authority. The claimant failed to call in at the proper place, and on one occasion called in two hours after he was scheduled to report for work.

This employee had problems with his automobile, but he and his fellow employees must be aware of the requirements for reporting for work on a regular basis. It is noted that the claimant's absences occurred on Mondays. A long week and does not have to be accepted by the Company and may result in serious discipline.

In the instant case the Board recognizes the Brown System of Demerits under which sixty demerits may result in discharge. However the Board directs the Carrier to reinstate the claimant with forty

demerits of record, with seniority and all other rights unimpaired but without pay for time lost.

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

 - *Disenting*
Carrier Member