

AWARD NO. 265
Case No. 298

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim on behalf of former Group 5 Machine Operator J. B. Schell (seniority date January 24, 1977), Eastern Lines, for reinstatement with seniority, vacation, all other benefit rights restored and compensation for all wage loss and/or otherwise made whole beginning August 19, 1983.

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 had accumulated 85 demerits. The last discipline assessed was for violation of Rule 31H. This violation was failure to submit timesheet document Form 1620-I for the month of July, 1983.


The Organization points up that the claimant had accumulated 60 demerits on two different occasions, and had not been terminated. The Brown System of 60 demerits subjects the employee to termination. The accumulation of 60 demerits is not automatic. The Carrier has the opportunity to review the claimant's record, and if in their judgment it is a poor record, they may choose to terminate the employee, but if he has a reasonably good record, the Carrier may choose to give him an opportunity to improve.

Under the circumstances herein, the evidence establishes that the claimant had 85 demerits of record. There is no justification for setting aside the discipline.

AWARD: Claim denied.


Preston J. Moore, Chairman


Union Member


Carrier Member