

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: That the dismissal of Mr. E. J. McDade was without just and sufficient cause and in violation of the current Agreement; that Mr. McDade now be reinstated to the service of the Carrier with seniority and all other rights restored unimpaired and with compensation for all wage loss suffered.

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 employed in 1952. By letter dated July 26, 1983, the claimant was notified that he was dismissed effective that date because he had accumulated excessive demerits pursuant to a formal hearing held on July 15, 1983. The Union alleges that the 30 demerits assessed the claimant pursuant to the investigation held July 15, 1983, was excessive. The Union hopes that the claimant, having more than 30 years seniority, be reinstated and the demerits reduced.

The Board has examined the transcript of record and finds that under the particular circumstances existing in this case that permanent dismissal is too severe. In view of all the circumstances existing, the Carrier is directed to reinstate the claimant as a Machine Operator and reduce the demerits standing of record to 40 demerits. There is no justification to pay the claimant 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


Union Member


Carrier Member