

PUBLIC LAW BOARD NO. 1522

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

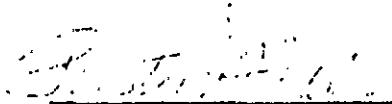
STATEMENT OF CLAIM: Claim in behalf of former Trackman W. W. Hepworth, Illinois Division, for reinstatement to his former position with seniority, vacation, all benefit rights restored and compensation for all wage loss and/or otherwise made whole beginning March 21, 1984, continuing forward until he is restored to his former position.

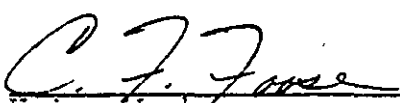
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant was advised by letter dated May 23, 1983, that his record stood with a total of 55 demerits. On March 15, 1984 he waived an investigation and signed a waiver for an additional 20 demerits. The assessment of those 20 demerits resulted in the accumulation of a total of 60 demerits. On that basis, the Carrier terminated the claimant under Rule 31.H of the General Rules for the Guidance of Employees. That Rule provides that "a balance of sixty (60) demerits subjects an employee to dismissal." The Organization contends that the Carrier violated Rule 13 and Appendix II of the current agreement.

Several awards are relevant to this case. Award No. 31 of Public Law Board 157 and Award No. 20 of Public Law Board 414 held that when an employee had accumulated the demerits which justified dismissal, the Carrier had the right to do so. Herein the claimant had been notified that his record stood with 55 demerits. He accepted the 20 demerits and knew, or should have known that acceptance thereof would place him in a position which would subject him to dismissal. The Board has no authority to overrule the decision of the Carrier.

AWARD: Claim denied.


Preston J. Moore, Chairman


Union Member


Carrier Member

Dated At Chicago, IL
February 26, 1985