

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 in behalf of D. Francis for reinstatement to his former position of track foreman with seniority, vacation and all other rights unimpaired and compensation for the difference in the rate of track foreman and the rate he receives beginning June 19, 1974, continuing forward to date he is restored to the position of track foreman.

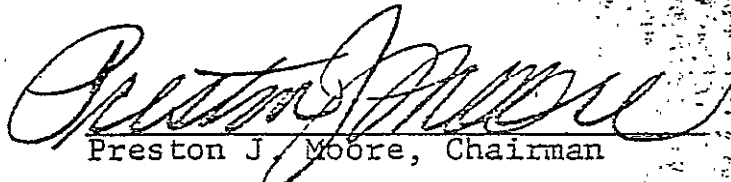
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute claimant had acquired 60 demerits and was notified an investigation would be held April 22, 1974. Thereafter claimant was notified his name was being removed from the section foreman's seniority roster and that he would hold position of machine operator or trackman only.

The Organization filed this claim contending claimant had been wrongfully demoted because he had not been advised of his rights to accept or reject the demerits assessed his record as a result of November 19 to December 7, 1973 incident. The Organization also contends the investigation was not promptly held and that claimant's personal record should have been credited with 10 demerits covering the period of over four months clear record time between January 15 and June 27, 1974.

The Board has examined all of the allegations of the Organization and finds no support to overrule the decision of the Carrier. The claimant realized he had 60 demerits, and it is apparent the claimant was aware that the accumulation of 60 demerits could result in discipline.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member.


Carrier Member