

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Carrier's decision to remove former System Steel Gang Trackman Elmer Yazzie from service, effective May 22, 1987, was unjust.

Accordingly, Carrier should be required to reinstate Claimant Yazzie to service with his seniority rights unimpaired.

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 signed a waiver on May 22, 1987 for 30 demerits. At that time his record stood with 40 demerits, which resulted in his having a total of 70 demerits. Thereafter, the Carrier terminated the claimant's employment. The Union filed a claim in behalf of the claimant.

The Board has reviewed the evidence of record and finds claimant has nine years of service, and it has been approximately 23 months since he had received any demerits. Under the circumstances involved in this case, it is the opinion of the Board that permanent dismissal is too severe.

The Carrier is directed to reinstate the claimant with seniority and all other rights unimpaired but without pay for time lost. The claimant's discipline record will stand with 55 demerits upon his reinstatement. The claimant should be notified by the Carrier that this is the last opportunity to improve his record.

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

*Dated at Chicago, Illinois  
January 18, 1988*

  
Union Member

  
Carrier Member