

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 Trackman B. L. Wikel for reinstatement to his former position with seniority, vacation and all rights unimpaired and compensation for wage loss beginning March 11, 1975 continuing forward.

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 accumulated 60 demerits on his personal record. Claimant was notified on February 19 to attend a formal investigation to develop the facts and place his responsibility with his accumulation of excessive demerits in violation of Rule 38. Under the Brown System of Discipline in effect on this property an accumulation of 60 demerits subjects an employee to dismissal. (See Rule 38).

The claimant did not attend the investigation which was held on February 24, 1975, although he was notified by certified mail of the investigation. Claimant's service record indicates he had been absent without authority on twelve occasions in one year's time which establishes that the claimant has a very poor record. There is no justification to overrule the decision of the Carrier.

AWARD: Claim denied.

sd/ Preston J. Moore
Preston J. Moore, Chairman

sd/ S. E. Fleming
Organization Member

sd/ B. J. East
Carrier Member