

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM:

1. Carrier's decision to remove former Texas (Northern) Division Machine Operator W. L. Marshall from service, effective May 20, 1988 was unjust.

2. Accordingly, Carrier should be required to reinstate claimant Marshall to service with his seniority rights unimpaired and compensate him for all wages lost from May 20, 1988.

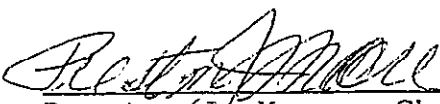
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

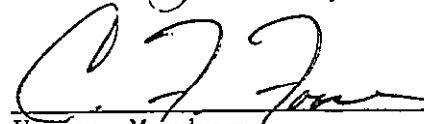
In this dispute the Carrier notified the claimant in a letter dated May 20, 1988 that his record stood at 85 demerits. Under Rule 31H of the General Rules for the Guidance of Employees, 1958, it is provided that: "A balance of 60 demerits subjects an employee to dismissal." On that basis the claimant was terminated.

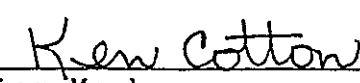
The Union filed a claim in behalf of the claimant requesting that he be reinstated to his former position with seniority, vacation and all benefit rights restored and compensated for all wages lost. The Union contended that the Carrier violated Rule 13 of Appendix 11 of the current Agreement dated January 1, 1984 as amended.

The Board has carefully reviewed all the facts and circumstances involved in this case. There is no question but that the claimant had in excess of 60 demerits, and under Rule 31H the Carrier has the prerogative to terminate an employee. After reviewing the record the Board finds no violation of Rule 13 and/or Appendix No. 11 of the current agreement.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Union Member

  
Carrier Member

Dated at Chicago, June 9, 1989