

PUBLIC LAW BOARD 2774

Award No. 30
Case No. 39

PARTIES
TO
DISPUTE

Brotherhood of Maintenance of Way Employees
and
Atchison, Topeka and Santa Fe Railway Company

STATEMENT
OF CLAIM

- "1. That the dismissal of Northern Division Trackman D.L. Green was unjust.
2. That Claimant D.L. Green be reinstated to service with seniority, vacation, all benefit rights unimpaired, pay for wage loss and/or otherwise made whole."

FINDINGS

Upon the whole record, after hearing, the Board finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted under Public Law 89-456 and has jurisdiction of the parties and the subject matter.

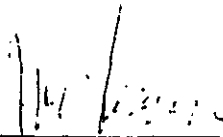
Claimant was employed by Carrier as a Trackman on May 12, 1980. By letter dated August 26, 1980, he was dismissed from service for an accumulation of a total of sixty demerits under the Brown System. The record indicates that Claimant had been assessed ten demerits on July 18, 1980 for being absent without proper authority, twenty demerits on August 8, 1980 for the same infraction, and thirty demerits on August 19 and 20 for an identical infraction. In all instances, Claimant agreed to the assessment of the demerits and signed a waiver of investigation.

The Board observes in something more than ninety days of employment, Claimant was guilty of three significant infractions resulting in demerits being assessed against him. There can be no question but that he was made aware of the Carrier's general rules for the guidance of employees (having signed for them) and that he waived investigation and agreed to the demerits in each instance. Thus, the decision to dismiss him in ac-

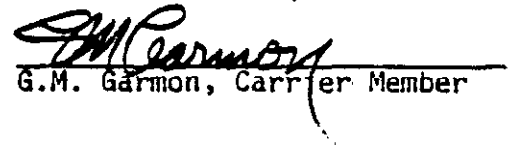
cordance with the excessive demerits accumulated is appropriate. The claim must be denied.

AWARD

Claim denied.



I.M. Lieberman, Neutral-Chairman


S.E. Fleming, Employee Member
G.M. Garmon, Carrier Member

May 13, 1982
Chicago, IL