

PUBLIC LAW BOARD NO. 3308

Award No. 1  
Case No. 1

PARTIES  
TO  
DISPUTE

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

STATEMENT  
OF CLAIM

"Claim that the 30 demerits assessed the personal record of former Middle Division Trackman J. W. Carroll, for being absent without proper authority December 9, 10, 14, 22 and 29, 1981 be expunged and that the claimant be reinstated to service with seniority, vacation, all benefit rights unimpaired and paid for all wage loss and/or otherwise made whole, as a result of being unjustly removed from service for accumulation of excessive demerits."

FINDINGS

Upon the whole record, the Board finds that the parties herein are Carrier and Employee 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.

In this dispute, Claimant was employed as a Trackman on the Middle Division. Claimant was dismissed from the service of the Carrier for accumulation of excessive demerits; the last 30 demerits were assessed for being late to work on December 9 and 10, 1981, and absent without permission on December 22 and 29, 1981. The record reflects that Claimant signed for and admitted his responsibility in violation of Carrier's Rules 13, 15 and 16, Form 2626 Std. After Claimant's record was assessed with the 30 demerits, his personal record had 70 demerits outstanding which subjected the Claimant to dismissal for excessive accumulation of demerits.

It is a well established principle that every employe has an obligation and a duty to report on time and work his scheduled hours, unless he has good and sufficient reason to be late, to be absent, or to leave early. Those reasons must be supported by competent and acceptable evidence. This the Claimant failed to do.

We have reviewed the record which clearly indicates, and the Claimant acknowledged, that he was aware he had accumulated in excess of sixty (60) demerits. Various Divisions of the National Railroad Adjustment Board, as well as many Tribunals, have ruled that dismissal based on "The Brown System of Discipline" may be upheld.

The Board fully recognizes all the points raised by the Organization in behalf of the Claimant. In spite of the Organization's vigorous appeal, the Board can find no justification to overrule the decision of the Carrier.

AWARD Claim denied.

Clarence H. Herrington  
Clarence H. Herrington  
Neutral Member

W. J. Carmery  
Carrier Member

J. E. F. Fleming  
Organization Member

Dated at Chicago  
February 22, 1983