

PUBLIC LAW BOARD NO. 3308

Award No. 3  
Case No. 3

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

STATEMENT "Claim that former Middle Division Trackman P. T. Luna  
OF CLAIM be reinstated to service with seniority, vacation,  
all benefit rights unimpaired and paid for wage loss  
beginning February 24, 1982, account the claimant  
was 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.

Claimant, a Trackman on Carrier's Middle Division, was perma-  
nently removed from service on February 24, 1982. He was dismissed  
for accumulation of excessive demerits under Carrier's Rule 31-H  
that provides "A balance of 60 demerits subjects an employee to  
dismissal." The above cited Rule 31 is commonly referred to as  
"The Brown System of Discipline." The Board has reviewed the record  
which clearly shows that Claimant had accumulated sixty (60) demerits.

Various Divisions of the National Railroad Adjustment Board  
have ruled that dismissal based on this System may be upheld.

We find nothing in the record that would warrant penalty reduction.

Therefore, this claim must be denied.

AWARD Claim denied.

McCarmon  
Carrier Member

Clarence H. Herrington  
Clarence H. Herrington  
Neutral Member  
S. E. F. Luning  
Organization Member

Dated at Chicago  
February 22, 1983