

PUBLIC LAW BOARD NO. 3308

Award No. 4  
Case No. 4

PARTIES  
TO  
DISPUTE

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

STATEMENT  
OF CLAIM

"Claim for reinstatement of former Southern Division  
Trackman M. T. Boyle with seniority, vacation and  
all benefit rights unimpaired, account the Claimant being  
unjustly removed from service for accumulation of ex-  
cessive 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, M. T. Boyle, was discharged effective August 18, 1981,  
account accumulation of 75 demerits in violation of Rule 31-H,  
General Rules for the Guidance of Employees.

The Board has carefully reviewed the record which clearly reveals  
Claimant had accumulated sixty (60) demerits and more in violation  
of Rule 31-H.

While the Board fully recognizes all the points raised by the  
Organization it can find no justification to overrule the decision  
of the Carrier. Numerous Board Awards have held that dismissal  
under the Company's Demerit System of Discipline was not arbitrary  
or capricious and that dismissal based on the system may be upheld.

AWARD Claim denied.

Clarence H. Herrington  
Clarence H. Herrington  
Neutral Member

McCarmon  
Carrier Member

J E Flannery  
Organization Member

Dated at Chicago  
February 22, 1983