

PUBLIC LAW BOARD NO. 3308

Award No. 7
Case No. 7

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

STATEMENT OF CLAIM "Claim that former Los Angeles Division Machine Operator R. C. Carlson be reinstated to his former position with seniority, vacation and all other basic rights restored and that he be compensated for all wage loss beginning June 9, 1981, account unjustly dismissed 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 was employed as a Machine Operator on Carrier's Los Angeles Division. On June 9, 1981, Claimant was removed from service for accumulation of excessive demerits under Rule 31-H that provides, "A balance of 60 demerits subjects an employee to dismissal." The Board has reviewed the record in detail which clearly reveals that Claimant had, at the time of his discharge, accumulated a total of 70 demerits. The record further shows that Claimant signed for and admitted his responsibility in each instance of the assessment of demerits.

The Board recognizes the points raised by the Organization

in behalf of the Claimant, but finds the Carrier did not violate the Agreement. Under the circumstances there is no justification for setting the discipline aside.

AWARD Claim denied.

Clarence H. Herrington
Clarence H. Herrington
Neutral Member

McCarmon
Carrier Member

A. E. Fleming
Organization member

Dated at Chicago
February 22, 1983