

Case No. 22

PARTIES)
TO)
DISPUTE)

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
AND
ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY

The Board has carefully read and considered all the evidence of record. It is clear from the record that the Claimant was guilty of reporting late for work and sleeping while on duty.

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Sleeping while on duty is a dismissable offense. Numerous awards have upheld a carrier's right to dismiss an employee who is derelict in the performance of his duties. However, under the circumstances of this case and the Claimant's length of service, the Board finds that the Claimant should be given a "last chance" opportunity to prove that he can be a responsible employee. Accordingly, the Claimant will be reinstated to service with his seniority rights unimpaired but without pay for time lost. Furthermore, the Claimant's personal record will stand with 30 demerits as it did at the time of his removal from service.

AWARD: Claim sustained per above findings.



Alan J. Fisher, Chairman
and Neutral Member

Clarence F. Foose
Organization Member



Lyle L. Pope
Carrier Member

Dated: September 21, 1988, Chicago, Illinois