

PUBLIC LAW BOARD NO. 1582

PARTIES) ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY
TO)
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM: (1) That the Carrier violated the provisions of the Agreement by unjustly assessing Northern Division Trackman E. Sanders' personal record thirty (30) demerits December 12, 1978 and removing him from service January 25, 1979 for allegedly accumulating excessive demerits on his personal record.

(2) That the Carrier now expunge thirty (30) demerits from Mr. Sanders' personal record and reinstate him to service with seniority, vacation, all benefit rights unimpaired and compensation for all wage loss beginning January 25, 1979 continuing forward until he is reinstated to service.

FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant was notified on November 27, 1978 to attend a formal investigation on December 4, 1978 to determine the facts and place the responsibility concerning a report that he failed to protect his assignment as Trackman on Section 13 at Fort Worth, Texas without proper authority for layoff November 8, 1978 through November 16, 1978, and failure to furnish factual information concerning explanation for being absent on November 8, 1978 and November 9, 1978.

Pursuant to the investigation the claimant was assessed thirty demerits. The Organization appealed the claim for removal of the thirty demerits.

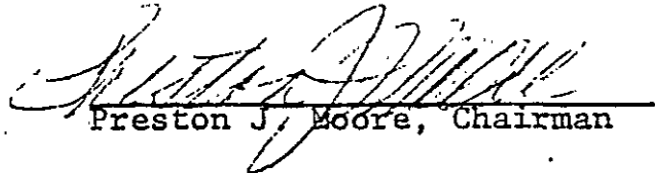
On December 12, 1978 the claimant was notified to attend a formal investigation on December 18, 1978 concerning his accumulation of excessive demerits.

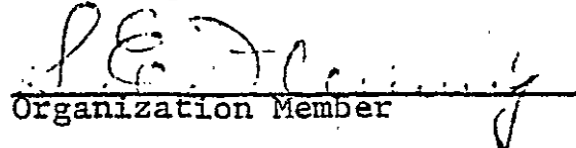
The claimant had a record of an accumulation of 75 demerits, and under the Brown System of Demerits, 60 demerits subjects an employee to discharge. The claimant was discharged pursuant to the investigation of December 12, 1978. The Organization filed claim for reinstatement with seniority, vacation and all other rights unimpaired and pay for time lost.

The Board has examined the transcript of record and Carrier's Exhibits A through T. The evidence of record clearly supports a finding that the claimant was absent without proper authority from November 8 through November 16, 1978, and that the explanation the claimant gave for being absent on November 8 and 9, 1978 was entirely untrue.

The facts and evidence of record indicate that the claimant had accumulated excessive demerits in violation of Rule 31, General Rules for the Guidance of Employees. Therefore the Board finds no justification for overruling the decision of the Carrier.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member

Dated April 7, 1980