

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim in behalf of former Northern Division Trackman C. W. Brown, for removal of thirty (30) demerits assessed his personal record as a result of investigation conducted on October 11, 1979, and for reinstatement to service with seniority, vacation and all other benefit rights unimpaired and compensation for all wage loss beginning October 29, 1979, continuing forward.

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 to attend a formal investigation on October 11, 1979 to determine the facts and place the responsibility, if any, concerning a report that he failed to protect his assignment as Trackman on Extra Gang 52 at Dallas, Texas without proper authority for layoff on August 27, 30, 31, September 7, 11, 13, 14 and 18, 1979.

The investigation was held as scheduled, and the claimant was found responsible for failure to comply with the provisions of Rules 2 and 15. As a result thereof the claimant was assessed 30 demerits for the violation.

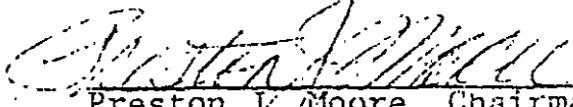
With the assessment of these 30 demerits, the claimant's record stood charged with 60 demerits, and on October 29, 1979 the claimant was removed from service for an accumulation of excessive demerits.

The Organization filed claim in behalf of the claimant to remove the 30 demerits on the basis that the claimant had automobile problems which made it impossible for him to report for duty, and under those circumstances, the discipline assessed was excessive.

The evidence reveals that the claimant was absent from work on those dates. The claimant did testify that on September 11, 13 and 14 he contacted his foreman to let him know he was having car trouble. The record further indicates that the claimant did not given an excuse or reason for being absent. (Pages 8 and 9 of transcript).

It is also noted that the claimant had been discharged previously for excessive absenteeism. There is no justification to overrule the decision of the Carrier.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member

Dated August 19, 1980