

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim that former Group 6 Welder J. G. Kester, seniority date June 4, 1979, whose seniority and employment were terminated on the Eastern Lines on August 17, 1983, for reinstatement with seniority, vacation, all benefit rights restored and compensation for all wage loss and/or otherwise made whole beginning August 18, 1983.

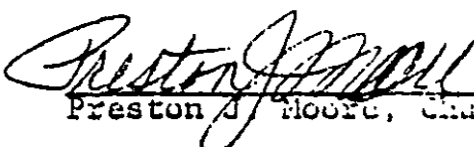
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

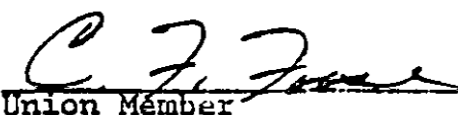
In this dispute, the claimant was advised August 2, 1983 that his personal record was charged with fifty demerits. By letter dated August 11, 1983, the claimant was assessed with ten demerits for violation of Rule 8 of Instructions, which had been issued February 12, 1978. The claimant was dismissed for having a balance of 60 demerits. The last ten demerits were assessed for the claimant's failure to mail timesheet documents for the last half of July, 1983, in violation of Rule 8 of Instructions dated February 12, 1978.


The Brown System of demerits has been approved by many awards, and the only issue before this Board is whether the ten demerits were justified or whether the ten demerits were harsh, arbitrary or unjust.

The evidence of record establishes that the claimant did violate Rule 8 of Instructions issued February 12, 1978. Under those circumstances, the Board has no authority to set the discipline aside.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Union Member

  
Carrier Member