

AWARD NO. 344
Case No.363

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Carrier's decision to remove Northern Division Trackman C. S. Priest from service effective July 23, 1984, was unjust. Accordingly, Carrier should be required to reinstate Claimant Priest with seniority rights unimpaired and compensate him for all wages lost for July 23, 1984.

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 had accumulated sixty demerits as of July 23, 1984. At that time he was dismissed from the service of the Carrier. Rule 31-H of the General Rules for the Guidance of Employees, Form 2626 Std., reads in part: ". . . A balance of sixty demerits subjects an employee to dismissal."

The evidence establishes that the claimant had sixty demerits outstanding and, therefore, the Board has no authority to set the discipline aside.

AWARD: Claim denied.


Preston J. Moore, Chairman


Union Member

Dated at Chicago, Illinois
April 7, 1986


Carrier Member