

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Carrier's decision to remove former Northern Division I. R. Wade from service, effective March 23, 1987, was unjust.

Accordingly, Carrier should be required to reinstate Claimant Wade to service with his seniority rights unimpaired and compensate him for all wages lost from March 23, 1987.

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.

By letter dated March 23, 1987 the claimant was notified that he had accumulated 110 demerits and was being terminated for excessive demerits. The evidence establishes that the claimant had signed and accepted demerits which indicated a balance of 110. This acceptance was dated March 20, 1987.


The Board has carefully studied the position of the Union representing the claimant, but the Board has no latitude in this matter since the claimant signed and accepted demerits which reached the total of 110. Under those circumstances the Board has the right to terminate an employee, and the Board does not have the authority to set that decision aside.

AWARD: Claim denied.

*Dated at Chicago, Illinois  
January 18, 1988*

  
Preston L. Moore, Chairman

  
Union Member

  
Carrier Member