

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: That the Carrier's decision to assess Claimant M. L. Whitfield thirty (30) demerits after investigation October 2, 1989 was unjust.

2. That the Carrier now expunge thirty (30) demerits from claimant's record, reimbursing him for all wage loss and expenses incurred as a result of attending the investigation October 2, 1989 because a review of the investigation transcript reveals that substantial evidence was not introduced that indicates claimant is guilty of violation of rules he was charged with in the Notice of Investigation.

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 an investigation at Temple, Texas on September 26, 1989 to develop the facts and place the responsibility, if any, in connection with possible violation of Rule 1004, Safety and General Rules for All Employees, Form 2629 Standard, concerning his allegedly reporting to work 30 minutes past his designated starting time of 7:00 a.m. while assigned to Pearland Section on September 5, 1989.

The investigation was postponed until October 2, 1989. Pursuant to the investigation the claimant was assessed 30 demerits. At this time the claimant already had 20 demerits.

The claimant testified he was approximately 30 minutes late to work on the date in question and he simply overslept. It is the opinion of the Board that 30 demerits is excessive. The Carrier is directed to reduce the discipline to 20 demerits.

AWARD: Claim disposed of as per above.

ORDER: The Carrier is directed to comply with this award within thirty days from the date of this award.

*Dated at Chicago, Illinois
November 9, 1989*

Preston J. Moore
Preston J. Moore, Chairman

C. J. Jones
Union Member

L. L. Pope
Union Member