

PUBLIC LAW BOARD NO. 1582

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

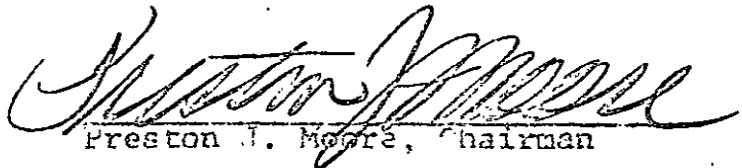
STATEMENT OF CLAIM: Claim in behalf of former Middle Division Trackman J. J. Brown, for reinstatement to his former position with seniority, vacation and all other rights unimpaired and compensation for wage loss beginning June 30, 1975.

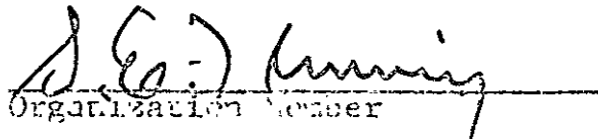
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

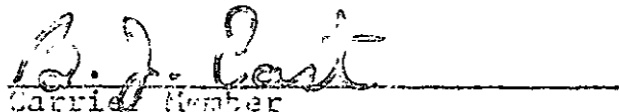
In this dispute the claimant had accumulated sixty demerits and was discharged. The Organization contends that the claimant did not receive a fair and impartial investigation. The investigation was held June 26, 1975 and the evidence indicated that claimant had accumulated sixty demerits. Under the Brown System of Discipline, the accumulation of sixty demerits subjects and employee to dismissal. (See Rule 38).

There is no evidence of record to indicate the claimant did not receive a fair and impartial investigation or that the case was prejudged. Evidence indicates that the claimant had previously been discharged on two occasions and reinstated on a leniency basis. The transcript reveals that the roadmaster stated that the claimant had received sixty demerits and outlined the four dates and the causes of each assessment of discipline. This testimony is undisputed and consequently there is no basis to overrule the decision of the Carrier.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member