

PUBLIC LAW BOARD NO. 2774

Award No. 55  
Case No. 64

PARTIES  
TO  
DISPUTE

Brotherhood of Maintenance of Way Employees  
and  
Atchison, Topeka and Santa Fe Railway Company

STATEMENT  
OF CLAIM

- "1. The the dismissal of Illinois Division Track Man, M. R. Waddle, from service after a formal investigation was unjust.
2. That Claimant Waddle be reinstated to service with seniority, vacation, all benefit rights unimpaired, pay for wage loss and/or otherwise made whole."

FINDINGS

Upon the whole record, after hearing the Board finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted under Public Law 89-456 and has jurisdiction of the parties and the subject matter.

The record indicates that claimant was hired by Carrier on April 12, 1978. On September 9, 1981, Carrier assessed claimant ten demerits for being absent without proper authority on August 6, 1981. Subsequently, on September 11, Carrier discharged claimant from service, alleging that he had violated Rule 31 of the Carrier's Rules by accumulating excessive demerits (a total of 60).

The evidence adduced indicates that starting in November of 1980, claimant accumulated fifty demerits through five separate incidents, all for being absent without authority. In addition, he waived any objections to the assessment of the demerits on all five of the incidents and only protested the final incident resulting in the accumulation of 60 demerits. In addition, the record indicates that claimant had been discharged in July of 1979 and reinstated on a leniency basis in December of 1979 and returned to work in March of 1980.

The Board is of the view that Carrier's action in dismissing claimant for the excessive accumulation of demerits was not improper and certainly cannot be

termed to be arbitrary or capricious. Claimant's prior record was unquestionably bad and there was no significant explanation for his continued unexcused absences. Furthermore, Carrier is entitled to regular attendance by its employees and is also within its rights in establishing and administering an adequate system of penalties for infractions of its rules, such as the demerit program currently in effect. For the reasons indicated therefore, the claim must be denied.

AWARD

Claim denied.



I. M. Lieberman, Neutral-Chairman



G. M. Garmon, Carrier Member



G. F. Foose, Employee Member

Chicago, Illinois

December 7, 1983