

PUBLIC LAW BOARD NO. 3308

Award No. 3
Case No. 3

PARTIES Brotherhood of Maintenance of Way Employees
TO
DISPUTE The Atchison, Topeka and Santa Fe Railway Company

STATEMENT "Claim that former Middle Division Trackman P. T. Luna
OF CLAIM be reinstated to service with seniority, vacation,
all benefit rights unimpaired and paid for wage loss
beginning February 24, 1982, account the claimant
was unjustly removed from service for accumulation
of excessive demerits."

FINDINGS Upon the whole record, 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.

Claimant, a Trackman on Carrier's Middle Division, was perma-
nently removed from service on February 24, 1982. He was dismissed
for accumulation of excessive demerits under Carrier's Rule 31-H
that provides "A balance of 60 demerits subjects an employe to
dismissal." The above cited Rule 31 is commonly referred to as
"The Brown System of Discipline." The Board has reviewed the record
which clearly shows that Claimant had accumulated sixty (60) demerits.

Various Divisions of the National Railroad Adjustment Board
have ruled that dismissal based on this System may be upheld.

We find nothing in the record that would warrant penalty reduction.

Therefore, this claim must be denied.

AWARD Claim denied.

McCarmon
Carrier Member

Clarence H. Herrington
Clarence H. Herrington
Neutral Member
S. E. F. Luning
Organization Member

Dated at Chicago
February 22, 1983