

PUBLIC LAW BOARD NO. 3308

Award No. 4
Case No. 4

PARTIES
TO
DISPUTE

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

STATEMENT
OF CLAIM

"Claim for reinstatement of former Southern Division Trackman M. T. Boyle with seniority, vacation and all benefit rights unimpaired, account the Claimant being unjustly removed from service for accumulation of excessive demerits."

FINDINGS

Upon the whole record the Board finds that the parties herein are Carrier and Employee 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, M. T. Boyle, was discharged effective August 18, 1981, account accumulation of 75 demerits in violation of Rule 31-H, General Rules for the Guidance of Employees.

The Board has carefully reviewed the record which clearly reveals Claimant had accumulated sixty (60) demerits and more in violation of Rule 31-H.

While the Board fully recognizes all the points raised by the Organization it can find no justification to overrule the decision of the Carrier. Numerous Board Awards have held that dismissal under the Company's Demerit System of Discipline was not arbitrary or capricious and that dismissal based on the system may be upheld.

AWARD Claim denied.

Clarence H. Herrington
Clarence H. Herrington
Neutral Member

McCarney
Carrier Member

J E Flannery
Organization Member

Dated at Chicago
February 22, 1983