

PUBLIC LAW BOARD NO. 3308

Award No. 7  
Case No. 7

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

STATEMENT                      "Claim that former Los Angeles Division Machine  
OF CLAIM                    Operator R. C. Carlson be reinstated to his former  
                                 position with seniority, vacation and all other  
                                 basic rights restored and that he be compensated  
                                 for all wage loss beginning June 9, 1981, account  
                                 unjustly dismissed 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 was employed as a Machine Operator on Carrier's  
Los Angeles Division. On June 9, 1981, Claimant was removed from  
service for accumulation of excessive demerits under Rule 31-H that  
provides, "A balance of 60 demerits subjects an employee to dismissal."  
The Board has reviewed the record in detail which clearly reveals  
that Claimant had, at the time of his discharge, accumulated a total  
of 70 demerits. The record further shows that Claimant signed for  
and admitted his responsibility in each instance of the assessment  
of demerits.

The Board recognizes the points raised by the Organization

in behalf of the Claimant, but finds the Carrier did not violate the Agreement. Under the circumstances there is no justification for setting the discipline aside.

AWARD Claim denied.

Clarence H. Herrington  
Clarence H. Herrington  
Neutral Member

McCarmon  
Carrier Member

A.E. Fleming  
Organization member

Dated at Chicago  
February 22, 1983