

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 7620
Docket No. 7398
2-C&NW-CM-'78

The Second Division consisted of the regular members and in addition Referee Robert A. Franden when award was rendered.

Parties to Dispute: (System Federation No. 76, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(Chicago and North Western Transportation Company

Dispute: Claim of Employees:

1. Freight Car Welder Eugene Atwood was unjustly dismissed from service on February 2, 1976.
2. Freight Car Welder Eugene Atwood was erroneously charged with failing to protect his assignment and his responsibility for his menacing remarks, gestures and boisterous talk toward a supervisor.
3. That the Chicago and North Western Transportation Company be ordered to reinstate Freight Car Welder Eugene Atwood with seniority unimpaired, and compensate him for all time lost, plus any other benefits he would have been entitled to had he remained in service.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employees involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

The claimant was dismissed from the service of the carrier for failing to protect his assignment and for making menacing remarks, gestures and talking with his supervisor in a boisterous manner.

The investigation was held in a timely manner pursuant to proper notice.

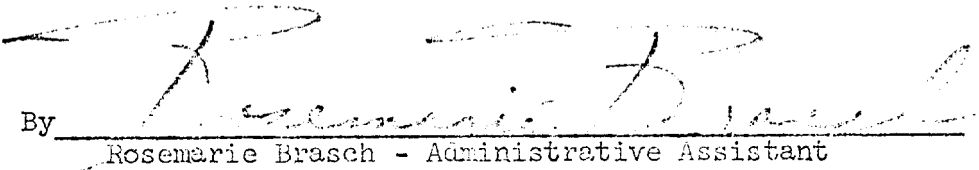
The record clearly reflects that substantive evidence of probative value was produced to support the charges. There is no question but that the claimant acted toward his foreman in a threatening manner. This is a very serious violation for which dismissal is the proper discipline. We find no reason to overturn or alter the decision of the carrier.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 21st day of July, 1978.