

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 8777
Docket No. 8256
2-CR-BK-'81

The Second Division consisted of the regular members and in addition Referee John B. LaRocco when award was rendered.

Parties to Dispute: { International Brotherhood of Boilermakers, Iron Ship
Builders, Blacksmiths, Forgers and Helpers
{ Consolidated Rail Corporation

Dispute: Claim of Employees:

1. That nothing more than a minor disagreement was involved in the instant case.
2. That accordingly The Consolidated Rail Corporation be ordered to compensate Blacksmith D. M. Savino for all loss wages and strike these charges from his record.

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 employes 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.

Claimant, a blacksmith, was assessed a fifteen day suspension for constantly quarrelling with a fellow employe, disrupting shop operations and conduct unbecoming a carrier employe. Pursuant to proper notice, an investigation was held on May 25, 1978 and subsequently concluded on August 2, 1978.

The organization contends that the claimant became involved in a minor disagreement with another employe regarding the amount of overtime claimant was earning on April 28, 1978. The carrier contends the claimant was interfering with the normal operations of the shop and engaged in an excited, heated verbal exchange with a fellow employe.

After carefully perusing the record, we find substantial evidence demonstrating that claimant committed the three offenses. The claimant's fellow employe was attempting to properly complete the assigned work as quickly as possible. Resenting this interference, the claimant began to quarrel with his fellow employee. The quarrel ended only after the foreman intervened and physically separated the two employees. As a result of the fight, at least one half hour of valuable production time was lost.

We see no justification for adjusting the assessed discipline. Claimant's work record discloses a prior instance of quarreling, and, thus, a fifteen day suspension is commensurate with the proven offenses.

We note that there was a procedural dispute regarding the jurisdiction of this Board. We have limited our jurisdiction in this case to the fifteen day suspension which arose out of the events on April 28, 1978.

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 28th day of October, 1981.