

The Second Division consisted of the regular members and in addition Referee Clarence H. Herrington when award was rendered.

Parties to Dispute: ( International Brotherhood of Firemen and Oilers  
( Seaboard Coast Line Railroad Company

Dispute: Claim of Employee:

1. That under the current and controlling agreement, as amended, Laborer Owen Thompson was unjustly dismissed from the service of the Seaboard Coast Line Railroad Company on September 7, 1979, after investigation held in Mr. Montgomery's office on August 21, 1979.
2. That in accordance Laborer Owen Thompson be restored to his regular assignment at Hialeah, Florida, Shops with all rights unimpaired, vacation, health and welfare benefits, hospital and life insurance be paid and compensated for all lost time effective September 7, 1979.

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.

On September 7, 1979, Claimant was notified that he was dismissed from Carrier's service because of insubordination and uncivil conduct to the Assistant Master Mechanic on August 10, 1979, at Hialeah, Florida. Claimant's dismissal followed an investigation conducted on August 21, 1979.

A careful review of the record shows that Claimant was afforded a fair and impartial hearing prior to his dismissal. Without going into all the detail that brought about his dismissal suffice it to say that there was substantial evidence produced at the hearing to show that Claimant was guilty of the offense for which he was dismissed. His actions justified severe discipline. There is, however, some question as to the severity of the offense to warrant punishment of permanent dismissal.

Based on the entire record, the Board is of the opinion that the time Claimant has been out of service should constitute sufficient discipline. We will award that Claimant be restored to service with seniority and other rights unimpaired, but without pay for time lost while out of service.

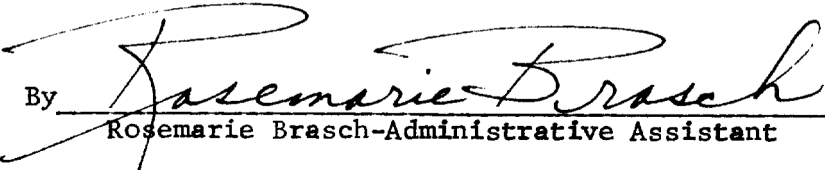
Claimant should clearly understand, however, that the purpose of this award is to give him "one last chance" to become and remain a responsible employe. Any further major infraction by him will result in the permanent termination of his service.

A W A R D

Claimant is returned to service without any back wages or payment for lost benefits.

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 6th day of January, 1982.