

Carrier contends that Claimant was observed by a number of employees arguing while pointing a gun at a fellow employee. That employee contends that Claimant pointed the gun at him and threatened to kill him. Claimant denies the allegations and says that he did not have a gun on the property. The Organization contends that claimant was not afforded a proper review of his case, as is required by Rule 34 of the controlling agreement.

A review of the record of this case reveals that Claimant was in fact afforded a full and fair hearing and that he had ample opportunity personally and through his representative to vigorously argue his case. No violations of Claimant's substantive or procedural rights are evident in this record.

There is no doubt that Claimant is guilty as charged and that Carrier justifiably disciplined him. Carrier saw fit, given the circumstances, to discharge him. This Board has no authority in this instance to reduce that penalty. Possession of a fire arm on company property is a serious offense. Using a fire arm to threaten a fellow employe is intolerable and cannot, under any circumstances, be tolerated. To return to Carrier's employ a person who threatened a fellow employe with a gun because he was annoyed would be to put the safety of all employes in jeopardy.

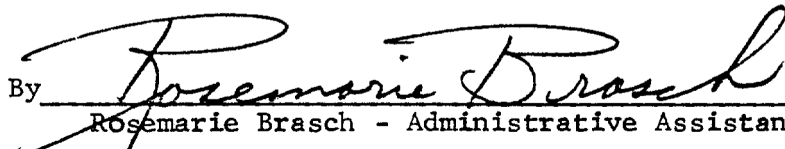
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 22nd day of September, 1982.