

The Second Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

Parties to Dispute: (Brotherhood Railway Carmen of the United States and Canada
(Grand Trunk Western Railroad Co.

Dispute: Claim of Employees:

1. That the Grand Trunk Western Railroad Company violated the controlling agreement when Carman, R. Rivera, Leading Car Inspector was assessed a nineteen (19) calendar day suspension as a result of investigation conducted on March 30, 1981.
2. That accordingly, Grand Trunk Western Railroad Company be ordered to compensate Carman, R. Rivera for the nineteen (sic) (19) calendar day suspension, and make him whole for all benefits and privileges he would have received during suspension, and remove such discipline from his service 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 employes 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 R. Rivera was employed at the time of this claim as a Leading Car Inspector at Detroit, Michigan. On March 26, 1981, he was notified to attend a hearing to determine his responsibility for being involved in a physical altercation with a fellow employe. The charges read as follows:

1. Alleged conduct unbecoming an employee by becoming involved in physical altercation with fellow employee Mr. Leonard Brown at, approximately, 2115 hours on March 24, 1981, while working your Leading Car Inspector Assignment 1500 to 2300 hours.
2. Allegedly being in violation of paragraph 8 of GT General Rules For Employees Not Otherwise Subject to The Rules For Conducting Transportation, effective July 1976, which states: "The use or possession of firearms or any weapon while on company property is prohibited, except as authorized by proper authority to appropriate employees" at approximately, 2115 hours, March 24, 1981.

The hearing into the matter was held on March 30, 1981. As a result of that hearing, Claimant was found guilty and assessed a nineteen (19) day suspension. The transcript of the hearing has been made a part of the record of this case. That record reveals that Claimant was afforded a full and fair hearing and that all contractual due process rights were granted. It also reveals that Claimant did engage in a fight with a fellow employe and that he did cut the other employe with a knife.

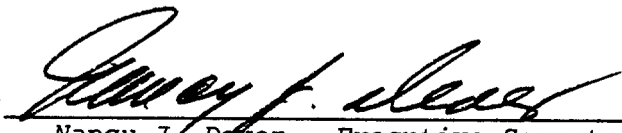
Given the record of this case, we see no basis on which to modify in any way the discipline imposed by Carrier.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 30th day of January 1985.