

The Second Division consisted of the regular members and in addition Referee Joseph S. Cannavo, Jr. when award was rendered.

PARTIES TO DISPUTE: ((Sheet Metal Workers International Association
(Burlington Northern Railroad Company

STATEMENT OF CLAIM:

1. The Carrier violated the provisions of the current controlling agreement when they improperly placed a letter of censure in Sheet Metal Worker J. Dillard's record on January 19, 1988, as the results of an investigation conducted on January 6, 1988 at West Burlington, Iowa.

2. That accordingly, the Carrier be required to remove the letter of censure from Mr. Dillard's personal 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.

On January 19, 1988, following the completion of an Investigation, the Carrier placed a letter of censure in the Claimant's personal file. The letter alleges that Claimant violated Rule 563 of the Carrier's Safety Rules which states:

"Burlington Northern Service demands the faithful, intelligent, courteous safe discharge of duty. Courteous orderly conduct is required of all employees. Boisterous, profane, sexist or vulgar language is forbidden. Employees must not enter into altercations with any person regardless of provocation, but will make note of the facts and report such incident in writing to their immediate supervisor."

The Board has examined the record and agrees that substantial evidence supports the Hearing Officer's findings that on December 3, 1987, the Claimant became loud, boisterous and disorderly when instructed to complete work performed by previous shift employees. The Supervisor acted within the scope of his authority in a non-provocative manner. Civility must prevail in the work place. The Claimant's lack of civility more than justified the minimal discipline he received.

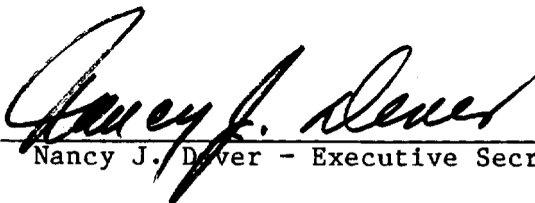
In reviewing this case, we agree with the Carrier that the notice of Investigation was sufficiently specific to permit the Claimant the opportunity to prepare an intelligent and coherent defense.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 13th day of June 1990.