

Carrier's decision to act upon an employee's course of improper conduct may come at any time. It should not require a statement of policy for an employee to know that constant bickering and arguing with his supervisor will lead to trouble. When claimant forgot to shut off his torch at the end of his shift, he provided the proverbial "last straw" to an irritating situation.

There was substantial evidence to support the hearing officer's conclusion. Many prior Awards have established that the policy of this Board is to leave undisturbed a decision based on substantial evidence produced at a hearing which has been fairly conducted after proper notice. Likewise, it is the policy of this Board to avoid interference with penalties unless the penalty is unreasonable and excessive to the point where it is arbitrary and capricious. The uncontradicted evidence is that claimant has not been a cooperative or willing employee. In an industry where everyone should work together for their own safety as well as in the public interest, we do not find that the penalty imposed was arbitrary or capricious.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:

E. A. Kellen
Executive Secretary

Dated at Chicago, Illinois, this 27th day of February, 1973.