

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

Parties to Dispute: (System Federation No. 99, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Firemen & Oilers)
(
(Illinois Central Gulf Railroad Company

Dispute: Claim of Employees:

1. That Laborer E. S. Stitts was unjustly disciplined for ninety working days from 7:00 a.m. March 22, 1977 and ending July 26, 1977 at 7:00 a.m.
2. That accordingly the Illinois Central Gulf Railroad be ordered to compensate Laborer E. S. Stitts for all time lost, and that all benefits be allowed during that period.

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.

This case involves the disciplinary suspension of Claimant following hearing and investigation in which he was found guilty of "engaging in fisticuffs in the cab of locomotive 9422 on Wednesday, March 2, 1977 at or about 12:45 pm at Johnston Roundhouse, Memphis, Tennessee". The record establishes persuasively that Claimant punched C. R. Ferguson in the mouth while the two of them were alone in the cab of a locomotive at Johnston Roundhouse. That incident was an escalation, by Claimant, of a verbal exchange he and Ferguson had had a couple of days before. Carrier has proven Claimant guilty as charged and the penalty is not excessive in the circumstance.

A W A R D

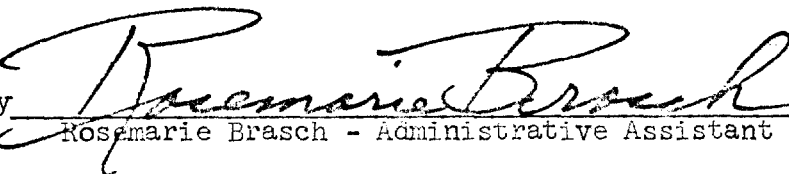
Claim denied.

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Award No. 8121
Docket No. 7706
2-ICG-FO-'79

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 27th day of September, 1979.