

Parties to Dispute:

{ System Federation No. 99, Railway Employees'  
Department, A. F. of L. - C. I. O.  
(Firemen & Oilers)

{ Illinois Central Gulf Railroad Company

1. That M. D. Lewis was unjustly removed from service on November 12, 1977 and was dismissed from service on December 5, 1977.
2. That accordingly, the Illinois Central Gulf Railroad be ordered to return Laborer M. D. Lewis to work immediately with pay for all time lost since November 12, 1977, with restoration of full seniority and all benefits he would have been entitled to had he not been dismissed from service.

The charges forming the basis for the Claimant's dismissal were failure to obey instructions of a supervisor; use of abusive language toward a supervisor; insubordinate action toward the Assistant Master Mechanic; and "vicious" conduct toward the Assistant Master Mechanic. Each of these was fully explored at the investigative hearing, with the Claimant making some denials and some admissions. The Board finds no basis on which to fault the conclusions drawn by the Carrier that Claimant's actions on November 11-12, 1977 constituted unacceptable conduct as an employee.

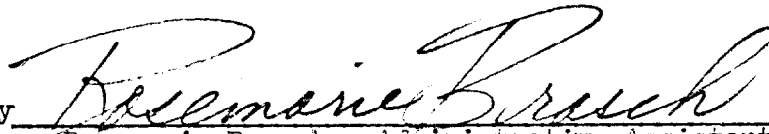
Under the circumstances, the withholding of the Claimant from service pending the investigation was appropriate, and the penalty of dismissal was reasonable, in and of itself. As additional support for the severity of the penalty, the Claimant's numerous and frequent instances of previous disciplinary action would lend support, if needed.

A W A R D

Claim denied.

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 9th day of January 1980.