

The Second Division consisted of the regular members and in addition Referee Edward L. Suntrup when award was rendered.

Parties to Dispute: { Brotherhood Railway Carmen of the United States
and Canada
{ Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That the Seaboard Coast Line Railroad Company was in violation when Carman H. M. Joyner was summoned to appear for investigation on September 27, 1979, charged with violations of the rules and regulations of the mechanical department.
2. That accordingly, the Seaboard Coast Line Railroad Company be ordered to remove from Carman Joyner's record the violative reprimand placed there on October 17, 1979 after the beforementioned investigation.

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.

Claimant, Mr. H. M. Joyner, was summoned to appear for a hearing on August 20, 1979 to investigate an alleged altercation which he was involved in with another carman. After postponement requested by the Organization, the investigation was held on September 27, 1979. As a result of this hearing Claimant was notified on October 17, 1979 by the Carrier that he had been found in contravention of Rule 14 of the Rules and Regulations of the Mechanical Department, Form MD-500 and that a letter of reprimand was being placed in his personnel file. (*)

Rule 14 states:

"Employees must not unnecessarily interrupt by conversation or otherwise, other employees in the discharge of their duties. Anything that may distract from the good order of the shops is prohibited."

(*) Employe submission to this case mistakenly states that Claimant was disciplined by the Carrier for violation of Mechanical Department Rules 14 and 29. Claimant was, however disciplined only for alleged violation of Rule 14 (See Carrier Exhibit B-1, Letter stating infraction and discipline to H. M. Joyner, Carman, by W. L. Winstead, Master Mechanic, October 17, 1979.)

An analysis of the transcript of the hearing leads the Board to the conclusion that sufficient substantial evidence of probative value is present to substantiate that Claimant did violate Rule 14. Claimant engaged in an altercation with the fellow carman in question as witnessed variously by his own and that carman's testimony during the hearing; in addition, three fellow workers and the general foreman were aware, as stated in hearing, that a heated argument was taking place. In view of this the Board finds no basis for disturbing the position of the Carrier in the instant case.

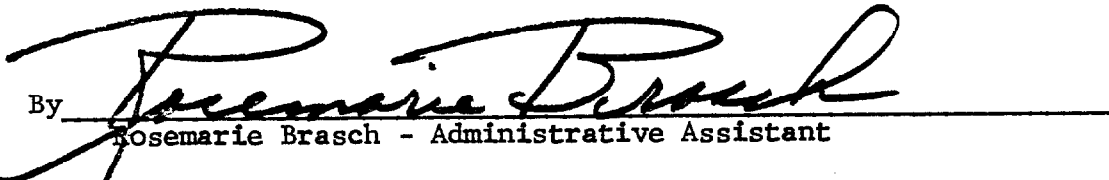
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 2nd day of February, 1983.