

NATIONAL RAILROAD ~~ADJUSTMENT~~ BOARD

THIRD DIVISION

Award Number 22630
Docket Number SG-22389

James F. Searce, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Soo Line Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood
of Railroad Signalmen on the Soo Line Railroad
Company:

On behalf of Signalman G. L. Roper, who was dismissed by
letter dated November 18, 1977, for reinstatement and pay for all
time lost from November 3, 1977 until his reinstatement."

/Carrierfile: 900-16-B-557

OPINION OF BOARD: This case involves the termination of an
employee for physically attacking his supervisor,
and subsequently for loading and pointing a gun **at** him. It may well
be that the Claimant felt provoked by events earlier that day -
November 3, 1977: the supervisor had left him and another signalman
at the motel where they had been staying, when he transported the
rest of the crew to the worksite; the Claimant and the other **employee**
were not ready to leave at the appointed time. If so, the Claimant's
rights to redress, if any were called for, were protected by the
Agreement. Such untoward actions on his part were clearly without
justification and are not subject to oversight here. We are not
unmindful of the Claimant's multiple years of service, but it is
beyond the scope of this Board to make proper those actions that
are not only otherwise, but could have had devastating consequences.
Additionally, we find no error in the Carrier's handling of this
case that would give us reason to disturb its decision.

FINDINGS: The Third Division of the Adjustment Board, upon the whole
record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employes involved in this dispute are respectively Carrier and **Employes** within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the claim be dismissed.

A W A R D

Claim is dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this **9th** day of **November 1979**.

