

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23443  
Docket Number MW-23230

Josef P. Sirefman, Referee

PARTIES TO DISPUTE:

{ Brotherhood of Maintenance of Way Employees  
{ Seaboard Coast Line Railroad Company

STATEMENT OF CLAIM: "Claim of the System **Committee** of the Brotherhood that:

(1) The dismissal of **Trackman** John **Brown**, Jr. for alleged vicious and uncivil conduct was without just and sufficient cause (System File **C-4(13)-JB/12-39(78-25)J**).

(2) **Trackman** John Brown, Jr. shall be reinstated with seniority and all other rights **unimpaired**, his record be cleared, **and** he shall be compensated for all wage loss suffered."

OPINION OF BOARD: **The Claimant**, John **Brown**, Jr., **a Trackman**, entered the service on March 30, **1970**. A hearing was held on May **18, 1978** in connection with the Charge that **Claimant** had violated Rule **18** of the Seaboard Coast Line Railroad Company Safety Rules for Engineering and Maintenance of Way Employees **concerning** vicious or uncivil conduct. On May **25, 1978** **Claimant** was given written notification of dismissal by the Division Engineer.

An **examination** of the record by the Board establishes that **Claimant**, on May **8, 1978**, acted in a **manner** which seriously menaced a fellow employe in **violation** of Rule **18**. There was substantial evidence to sustain Carrier's decision to discipline **Claimant**. In view of **Claimant's** prior record, including a **30-day** suspension in **1977** for violation of the **same** Rule, **dismissal is reasonable**.

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 Employees involved in this dispute are respectively Carrier and Employees 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 Agreement was not **violated**.

A W A R D

**Claim** denied.

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Page 2

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By Order of Third Division

A t t e s t : A. W. Paulson  
Executive Secretary

Dated at Chicago, Illinois, this 3rd day of November 1981.

