

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **23473**
Docket Number **MW-23252**

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** D. G. **Johnson** for **alleged** violation of Rule **18** was unwarranted, without just and sufficient cause and on the basis of unproven and disproven charges (System File **C-4(13)-DGJ/12-39 (79-10)J**).

(2) **Trackman** D. G. **Johnson** be reinstated with seniority and all other rights unimpaired, his personal record be cleared of the charge leveled against **him** and he shall be compensated for all wage loss suffered."

OPINION OF BOARD: Claimant D. G. **Johnson**, a **Trackman**, was charged with violating Rule **18** of the Carrier's Safety **Rules** For Engineering and **Maintenance** of Way **Employees** ('Employees must work in ha-y with associates'), based on an **incident between Claimant** and his **Roadmaster** on September **7, 1978**. A hearing was held on September **22nd** and Claimant was dismissed on October **3, 1978**.

A **review** of the record before this Board establishes that Claimant was argumentative with his Roadmaster and **slammed mail** down on the latter's desk as a display of anger and threatened him. There was substantial evidence in the record to sustain Carrier's decision to discipline **Claimant**. In view of Claimant's relatively short tenure as an **employee** of **Carrier**, a **30 day** suspension about a year prior for violation of the **same** Rule, and that **Claimant** was **in** the **middle** of another five day suspension when the incident took place, dismissal was 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.

Award Number 23473
Docket Number MW-23252

Page 2

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claim **denied**.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: *A. W. Paulson*
Executive Secretary

Dated at Chicago, Illinois, this 8th day of December 1981.

