

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24911
Docket Number MW-25026

Paul C. Carter, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(
(Seaboard System Railroad

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

(1) The dismissal of Trackman C. W. Boatright for violation of "Rules 11, 17 and part of 18" was excessive and disproportionate to the offense with which charged [System File 37-SCL-81-29/12-27(82-1002) K3].

(2) The claimant shall be reinstated with seniority and all other rights unimpaired and he shall be compensated for all wage loss suffered.

OPINION OF BOARD: The Claimant herein was the employe who inflicted the knife wound on the Claimant involved in Award No. 24910.

Following an investigation conducted on September 30, 1981, a transcript of which has been made a part of the record, Claimant, on October 16, 1982, was dismissed from service effective September 16, 1981.

Notwithstanding the crude, vulgar and obscene language used by the Claimant in Award No. 24910, the actions of the Claimant herein were not justified. We have often held that provocations do not warrant physical attacks. The situation should have been reported to supervisory personnel for proper corrective action.

The claim herein will be denied.

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 Agreement was not violated.

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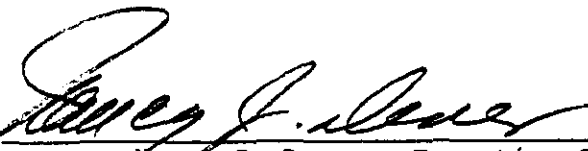
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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois this 30th day of July 1984.