

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award **Number** 25240
Docket Number SG-25321

Eckehard Muessig, Referee

(Brotherhood of Railroad Signalmen

PARTIES TO DISPUTE: (

(Consolidated Rail Corporation

STATEMENT OF CLAIM:

Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Consolidated Rail Corporation on behalf of Signalman **M. J. McKnight**, dismissed from Carrier's service on July 22, 1982. Restoration to service with reimbursement for wages lost due to assessment of excessive discipline is requested.

[Carrier file No. System Docket **1930-D** - Central Region Case BRS-4-821

OPINION OF BOARD: This claim arose after the Carrier found that the Claimant had directed hostile, threatening language and gestures toward one of Carrier's Supervisors.

The Organization essentially contends that the incident that led to this dispute came about primarily because of a personality conflict being allowed to yet out of hand. Accordingly, the blame should not be centered upon the Claimant. It concludes, for these and other reasons of record, that the discipline of dismissal therefore, is excessive.

While the Board is not unmindful of the Organization's contentions, skillfully presented in the record, and its forceful advancement of these before the Board, we find that the Carrier has met its burden of proof.

This Division has consistently held, as evidenced by its many awards on the matter, that insubordination and threats to Supervisors are serious offenses that may rightfully lead to permanent dismissal. Given the evidence herein, we have no basis to disturb the Carrier's finding and decision.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 31st day of January 1985