

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21903
Docket Number MW-22045

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: { Brotherhood of Maintenance of Way Employes
{
(The Alton & Southern Railway Company

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

(1) The dismissal of Trackman H. L. Arnold for allegedly 'assaulting Trackman Ollie Green with a knife on March 31, 1976' was without just and sufficient cause and on the basis of unproven charges (System File K-1638-57).

(2) Trackman H. L. Arnold be reinstated with seniority, vacation and all other rights unimpaired and he be compensated for all wage loss suffered."

OPINION OF BOARD: On April 12, 1976, Claimant was instructed to appear at an investigation concerning an alleged assault - with a knife - upon another employee.

Subsequent to investigation, Claimant was dismissed from service.

Although the Claimant suggests to us that the events in question merely constituted "jawing" between a couple of employes; that the "victim" held no "ill feelings" toward the Claimant; and that the matter was "settled"; we are of the view that there is substantial evidence of record to support Carrier's conclusions that - on the date in question - the Claimant held a knife in close proximity to the victim's face and threatened to cut his throat if he "breathed hard."

An employer is not required to be controlled by certain individuals' particular views of events such as those here under review. The record shows a course of conduct which is clearly against the interests of the Carrier and of the employes in general, and Carrier should not be compelled to tolerate such activity. We deny the claim.

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.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 15th day of February 1978.

