

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22630
Docket Number SG-22389

James F. Searce, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Soo Line Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Soo Line Railroad Company:

On behalf of Signalman G. L. Roper, who was dismissed by letter dated November 18, 1977, for reinstatement and pay for all time lost from November 3, 1977 until his reinstatement."

/Carrier file: 900-16-B-54/

OPINION OF BOARD: This case involves the termination of an employe for physically attacking his supervisor, and subsequently for loading and pointing a gun at him. It may well be that the Claimant felt provoked by events earlier that day - November 3, 1977: the supervisor had left him and another signalman at the motel where they had been staying, when he transported the rest of the crew to the worksite; the Claimant and the other employe were not ready to leave at the appointed time. If so, the Claimant's rights to redress, if any were called for, were protected by the Agreement. Such untoward actions on his part were clearly without justification and are not subject to oversight here. We are not unmindful of the Claimant's multiple years of service, but it is beyond the scope of this Board to make proper those actions that are not only otherwise, but could have had devastating consequences. Additionally, we find no error in the Carrier's handling of this case that would give us reason to disturb its decision.

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 claim be dismissed.

A W A R D

Claim is dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A.W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 9th day of November 1979.

