

Award No. 6
Case No. 23

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Louisville and Nashville Railroad Company

STATEMENT
OF
CLAIM:

1. Dismissal of Track Repairman C. E. Forrest was without just or proper cause and exceedingly disproportionate to the offense with which charged.
2. Claimant shall be reinstated to service and granted all other benefits and remedies prescribed in first paragraph of Rule 27(f).

FINDINGS:

There is substantial evidence in the record supporting Carrier's findings that claimant was insubordinate and that discharge was warranted. Testimony of Assistant Division Engineer Permar and Foreman Stewart is to the effect that claimant was not complying with instructions to bring back a pair of splices and that when Mr. Permar was writing up a letter dismissing claimant on

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that ground, claimant grabbed the note pad from Mr. Permar's grasp and then assaulted him.

This evidence against claimant is credible and specific and, although contradicted by claimant and several other employees, is adequate to support the findings and discipline in this case. We find no valid basis, under the well established principles and practices of Adjustment Boards in this industry, for reversing Carrier's decision.

AWARD:

Claim denied.

Adopted at Louisville, Kentucky,
December 10, 1979.



Harold M. Weston, Chairman

Carrier Member

Employee Member