

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Seaboard System Railroad, formerly L & N

STATEMENT
OF
CLAIM:

1. The dismissal of Steve Quick, Track Repairman, was without just and sufficient cause and was excessive.
2. Claimant shall be restored to service with all rights unimpaired and compensated for all wage loss.

FINDINGS:

On the morning of July 24, 1984, claimant did not answer when Trackman Spalding called the roll of the large rail laying gang. Spalding was duly assigned to perform that function. When Supervisor Williams as well as Spalding and another employee, Woodward, reached the Camp car where Spalding had awakened claimant 30 minutes earlier, they found claimant sitting on the edge of the bed. Williams asked why he was absent for roll call and he replied "So what?".

Supervisor Williams informed claimant that he believed that he was under the influence of alcohol or drugs, and requested him to take an examination by the Camp doctor. Claimant declined to do so.

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Williams then told claimant that he was taking him out of service. According to Williams and Spalding, claimant said to Williams, "I'll take care of you, Big Boy, as soon as you come home to South Carolina."

Woodward's testimony was substantially the same. Claimant did not appear at the hearing that was subsequently held in the matter. He was dismissed from Carrier's service.

No basis is perceived for setting aside claimant's dismissal. It is an extremely serious offense, one that merits dismissal, for any employee to threaten a supervisor who is discharging his duties. Viewed in its entirety, this record is sufficient to support Carrier's decision to dismiss claimant.

AWARD: Claim denied.

Adopted at Jacksonville, Florida *November 6* 1985.


Harold M. Weston, Chairman


Carrier Member


Employee Member