

PUBLIC LAW BOARD NO. 2366

DOCKET NO. 27

AWARD NO. 15

CASE NO. 1306 MW

FILE: 11-145-T-79

PARTIES TO DISPUTE:

Illinois Central Railroad Company

and

Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM

"(1) The dismissal of Trackman L. A. Ferris was without just and sufficient cause and wholly disproportionate to the charge leveled against him (Case No. 1306 M of W).

(2) Trackman L. A. Ferris shall be reinstated with all rights unimpaired and he be compensated for all wage loss suffered."

OPINION OF BOARD

The altercation involved in this dispute has been described in Award No. 14, which case dealt with the Assistant Foreman.

Although the Claimant contends to the contrary, the evidence of record indicates to this Board that the Claimant herein actively instigated the dispute which led to a physical altercation.

Our review of the record indicates that this Claimant has been employed for a short period of time, and has amassed an unenviable record, including incidents of prior altercations. We are not inclined to disturb the Carrier's assessment of penalty in this case.

FINDINGS

The Board, upon consideration of the entire record and all of the evidence finds:

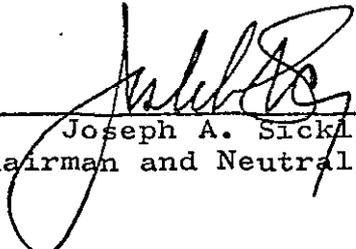
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

This Board has jurisdiction over the dispute involved herein.

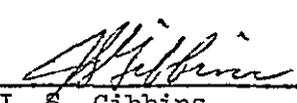
The parties to said dispute were given due and proper notice of hearing thereon.

AWARD

Claim denied.

  
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Joseph A. Sickles  
Chairman and Neutral Member

  
\_\_\_\_\_  
Hugh G. Harper  
Organization Member

  
\_\_\_\_\_  
J. S. Gibbins  
Carrier Member

11/1/80  
DATE