

PUBLIC LAW BOARD NO. 3765.

Parties
to the
Dispute

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

vs.

GRAND TRUNK WESTERN RAILROAD COMPANY

Case No. 30

STATEMENT OF CLAIM

The decision of the Carrier to dismiss Claimant D. L. Tyner for alleged violation of General Rule E of the Grand Trunk Operating Rules was unwarranted and on the basis of unproven charges.

Claimant Tyner shall be reinstated with seniority and all other rights unimpaired and he shall be compensated for all wage loss suffered as a result of the above referred to dismissal.

OPINION OF THE BOARD

Claimant D. L. Tyner was assigned as a Trackman at Pontiac, Michigan. Because Claimant's pay check was not available for him on July 23, 1987, he became agitated and began arguing with his Supervisor about the situation. As a result of the confrontation between Claimant

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and numerous supervisors, he was taken out of service and charged as follows:

To determine your responsibility, if any, for violation of Grand Trunk Operating Rules.

General Rule E

They (employees) must be of good moral character and must conduct themselves at all times, whether on or off Company property in such manner as not to bring discredit upon the Company.

Any act of hostility or willful disregard of the Company's interest will not be condoned.

When on Thursday, July 23, 1987, at approximately 0945 hours you allegedly were insubordinate, showed disrespect and did give verbal threat to an officer of the railroad company.

A hearing into the matter was held. As a result of that hearing, Claimant was found guilty as charged and dismissed from Carrier's service.

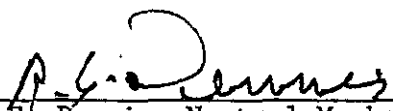
This Board has reviewed the record and can only conclude that Claimant did in fact act in an aggressive, threatening, insubordinate manner. No company can condone an employee using foul language to a supervisor, outwardly disobeying him and threatening him. Carrier need not continue in its employ such people. Claimant has no one to blame for this situation but himself. Carrier officials made every attempt to persuade Claimant to finish out his work day and assured

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him that his check would be available the next day. He did not properly respond to Carrier's efforts. He took this path at his own peril.

AWARD

The claim is denied.


R. E. Dennis, Neutral Member


Jo. A. DeRoche, Carrier Member


W. E. LaRue, Employe Member

3-8-90
Date of Adoption