

PUBLIC LAW BOARD NO. 2142

Award No. 26

Docket No. 1191

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Illinois Central Gulf Railroad

Statement

of Claim: Carrier violated the effective agreement on January 6, 1978 by arbitrarily and unfairly dismissing Claimant L. C. Truss from the service of the railroad for alleged violation of Maintenance of Way Rule "K". Claimant Truss shall be restored to service with all seniority rights and other rights reinstated and unimpaired, also compensated for all lost time from January 6, 1978 until he is actually returned to service of the Carrier.

Findings: The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated January 23, 1978, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant was suspended from service, on December 16, 1977, as a result of his insubordinate and contemptuous conduct towards his supervisor. Claimant was charged, under date of December 21, 1977 and advised to attend a formal investigation for the purpose of "determining whether you harassed, threatened or used abusive language towards Foreman Howard Jackson on Thursday, December 15, 1977."

As a result of that investigation, Carrier concluded that Claimant was guilty as charged and he was dismissed from service as discipline therefor.

The Board finds that Claimant was accorded a fair hearing.

There was sufficient evidence adduced to support Carrier's conclusion as to Claimant's culpability in the violation of Rule K in that he harassed, threatened and used abusive language to his section Foreman Howard Jackson on December 15, 1977.


The Board finds that in the circumstances that the discipline assessed was reasonable and warranted. Claimant was clearly abusive,

quarrelsome and disobedient. Carrier properly adjudged him to be contumacious. His conduct was such that it cannot be condoned. The Board is without alternative other than to deny the claim.

Award: Claim denied.


J. P. Paloni, Employee Member


M. J. Hagen, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Falmouth, Massachusetts, September 26, 1979.