

Award No. 9
Case No. 9

Public Law Board No. 2203

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employes
and
Consolidated Rail Corporation

STATEMENT
OF
CLAIM:

Dismissal case of Stanley Etheredge, Trackman,
Morrisville, Pennsylvania

FINDINGS:

Claimant was dismissed for threatening Supervisor
Smith and Assistant Division Engineer Holmes.

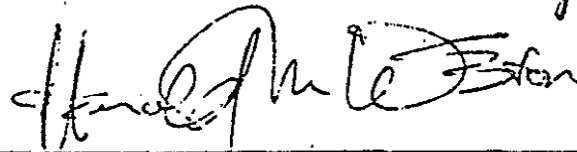
Mr. Smith had spoken to claimant about getting down to work. Claimant resented the manner in which the statements were made and a quarrel ensued between the two men. While Mr. Holmes was trying to calm the situation, claimant pointed his finger in Mr. Smith's face and said that he would take Smith with him if he lost his job. When Holmes, who not unreasonably construed claimant's statements as a threat against Smith, then took claimant out of service, claimant ran up to Holmes, "yelling threats" and saying, "I'll get you too." Then he assumed a fighting pose, according to Mr. Holmes, with clenched fists.

Claimant denied threatening the supervisors. He testified that he was angry because he felt he was being harrassed and did say that if I lost my job, Smith would lose his too.

Carrier's findings of fact will not be set aside since they are supported by substantial credible, though controverted, evidence. We will not substitute our judgment for that of Carrier in this matter, although we understand that claimant is a competent worker. Supervisory employes should not be required to put up with threats and time wasting confrontations when criticizing employes under their supervision. There is no evidence that either Mr. Smith or Mr. Holmes subjected claimant to comments of such an extremely improper nature that his reactions could reasonably have been anticipated.

AWARD: Claim denied.

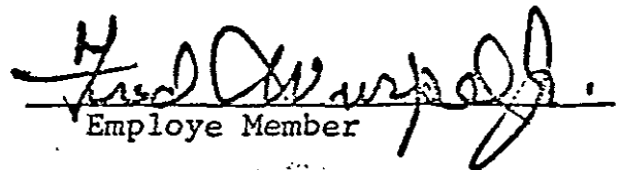
Adopted at Philadelphia, Pa., May 17, 1979.



Harold M. Weston, Chairman



Carrier Member



Employee Member