

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Seaboard System Railroad (former L&N Railroad)

STATEMENT
OF
CLAIM:

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

FINDINGS:

Claimant was dismissed for acting in a vicious and uncivil manner and leaving his job without permission or notice.

The record shows that during his tour of duty, claimant started an argument with a fellow employee who was busy pulling ties and then proceeded, without provocation, to call him obscene names, physically threaten him and brush against him in an attempt to provoke a fight.

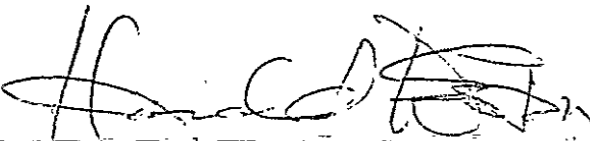
When on the following day claimant was asked to sign the receipt for a letter notifying him of an investigation of that incident, he refused to sign the receipt although it was explained to him that signing would not indicate any admission

against interest. He remained adamant and abruptly proceeded to leave his work assignment and Carrier's property.

There is no basis in this record for setting aside or modifying the decision to dismiss claimant. Carrier's findings are supported by substantial evidence and there is no prejudicial procedural error on its part. Claimant's refusal to sign a receipt for the notice of investigation is not a basis for discipline and has not been given any weight in this Board's decision.

AWARD: Claim denied.

Adopted at Jacksonville, Florida, Dec. 19, 1985.


Harold M. Weston, Chairman


Carrier Member


Employee Member