

PUBLIC LAW BOARD No. 2366

AWARD No. 69

DOCKET NO: 85

PARTIES TO DISPUTE:

Illinois Central Gulf Railroad Company

and

Brotherhood of Maintenance of Way Employes

STATEMENT OF CLAIM

"Claim of the System Committee of the Brotherhood that:

The dismissal of Trackman R. J. Jackson for the alleged insubordination and use of boisterous, profane and vulgar language was without just and sufficient cause and on the basis of unproven charges. (Organization File S-24-T-83; Carrier File 1581).

Claimant R. P. Jackson shall be reinstated with seniority and all other rights unimpaired and compensated for all wage loss suffered."

OPINION OF THE BOARD

The Claimant was notified of an investigation concerning failure to follow instructions and use of boisterous, profane and vulgar language directed toward his Section Foreman.

Subsequent to the investigation, the Claimant was dismissed from service.

The Board has reviewed the transcript and record as a whole and we find ample evidence to substantiate the Employer's conclusion that this Claimant refused to perform the tasks assigned to him and used unfortunate language in addressing the Section Foreman.

The Board finds no basis for mitigating the punishment and we will deny the claim.

FINDINGS

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

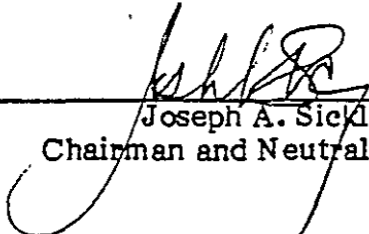
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

This Board has jurisdiction over the dispute involved herein.

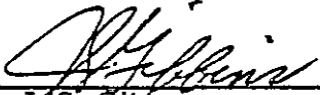
The parties to said dispute were given due and proper notice of hearing thereon.

AWARD

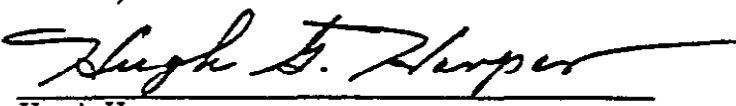
Claim denied.



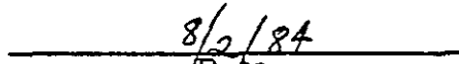
Joseph A. Sickles
Chairman and Neutral Member



J. S. Gibbons
Carrier Member



Hugh Harper
Organization Member



8/2/84
Date