

Award No. //

Case No. 8

Public Law Board No. 2630

PARTIES  
TO  
DISPUTE:

Brotherhood of Maintenance of Way Employees

and

The Chesapeake and Ohio Railway Company

STATEMENT  
OF  
CLAIM:

1. Carrier acted arbitrarily and without regard to mitigating circumstances in assessing discipline of 10 days suspension to claimant Harold I. Walters.
2. Claimant Harold I. Walters be compensated for all monetary losses suffered on account of the excessive and unjustified discipline and that his record be cleared of any account relative to this incident.

FINDINGS:

Claimant was assessed a ten-day suspension for using profane and vulgar language to Supervisor Petty. The evidence clearly supports Carrier's findings that claimant directed such language at Mr. Petty while Mr. Petty was talking to him about a complaint from Foreman Garland regarding claimant's conduct.

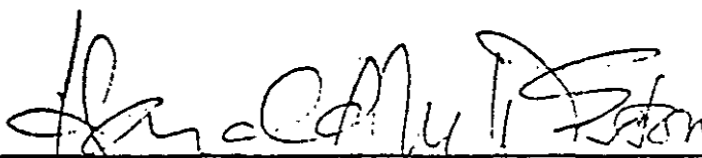
while at work on the previous day. In the course of the conversation with Mr. Petty, claimant used the same obscene language in referring to Foreman Garland.

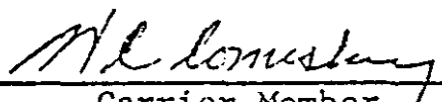
Contrary to Petitioner's contention, we find no provocation or statement on the Supervisor's part that was reasonably responsible for claimant's use of intemperate language. Members of Carrier's supervisory staff should not have to put up with such misconduct and the ten-day suspension in dispute is plainly warranted.

The notice of charges was reasonably clear and no procedural defect is disclosed by the record.

AWARD: Claim denied.

Adopted at Baltimore, Maryland, *August 15,* 1981.

  
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Harold M. Weston, Chairman

  
\_\_\_\_\_  
Carrier Member

  
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Employee Member