

Public Law Board No. 3794

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Seaboard System Railroad

STATEMENT
OF
CLAIM:

1. The thirty (30) calendar days of suspension imposed upon Trackman I. J. Bellamy for alleged violation of "Rule 18" was without just and sufficient cause [System File 37-SCL-82-24/12-39 (82-1157) K2].
2. The claimant's record shall be cleared of the charge leveled against him and he shall be compensated for all wage loss suffered.

FINDINGS:

Assistant Foreman Presnell observed claimant improperly handling tie plates in the course of his work and asked him why he was ^{not} placing the tie plates in accordance with instructions. It is undisputed that Presnell's question and instructions were not unreasonable but that he used vulgar and insulting language in addressing claimant.

Claimant's testimony is that he then walked towards Presnell pointing the wire tool he was using near Presnell's face and that Presnell "knocked the wire away and that's when I struck him before I know it."

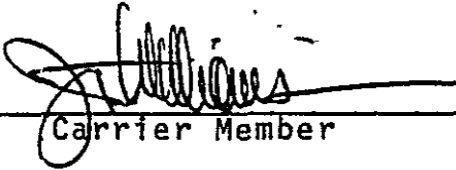
There is no basis for setting aside the discipline. Claimant was clearly unjustified in taking matters into his own hands; his proper course was to refer the matter to his Local Chairman for orderly processing under the Agreement.

AWARD: Claim denied.

Adopted at Jacksonville, Florida, May 30, 1985.



Harold M. Weston, Chairman


Carrier Member
Employee Member