

AWARD NO. 488
Case No. 488

Organization File No. DRA905519
Carrier File No. 19-66741

PUBLIC LAW BOARD NO. 7163

PARTIES) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES DIVISION,
) INTERNATIONAL BROTHERHOOD OF TEAMSTERS
TO)
)
DISPUTE) CSX TRANSPORTATION, INC.

STATEMENT OF CLAIM:

1. The Carrier's discipline (dismissal) imposed upon Mr. D. Lofty, by letter dated August 26, 2019, in connection with allegations that he was in violation of CSX Code of Ethics was arbitrary, unsupported, unwarranted and in violation of the Agreement (System File DRA905519/19-66741 CSX).
2. As a consequence of the violation referred to in Part 1 above, '*** the Carrier must clear all mention of the matter from Claimant's personal record with rights and benefits unimpaired and compensate him for all loss suffered. This loss includes, but is not limited to, any straight time, overtime, double-time or other Carrier provided compensation lost as a consequence of the discipline. It also includes healthcare, credit rating, investment, banking, mortgage/rent or other financial loss suffered because of the discipline.' (Employees' Exhibit 'A-2').

FINDINGS:

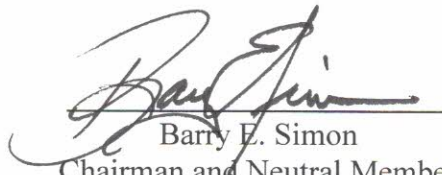
The Board, upon consideration of the entire record and all of the evidence, finds that the parties are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated March 20, 2008, this Board has jurisdiction over the dispute involved herein, and that the parties were given due notice of the hearing held.


Following a formal investigation at which he was charged with making threats of violence against fellow employees, Claimant was dismissed from service effective August 26, 2019. At the

time of his dismissal, Claimant had less than five months of service with the Carrier. The record of the investigation contains a number of credible statements by co-workers regarding threats Claimant had made, as well as his comments about altercations in which he had been involved outside of work. These comments created an uncomfortable and fearful environment for his fellow employees.

Our review of the record before us causes the Board to find that the Carrier had substantial evidence to support its charge against Claimant. In view of the seriousness of Claimant's conduct, as well as his extremely short tenure, we find no basis for any modification of the discipline imposed. In reaching this conclusion, the Board has considered all of the arguments advanced by the Organization and finds them to be unpersuasive in this case.

AWARD: Claim denied.


Barry E. Simon
Chairman and Neutral Member


Ross Glorioso
Employee Member


John Nilon
Carrier Member

Dated: 1/12/2022
Arlington Heights, Illinois