

SPECIAL BOARD OF ADJUSTMENT NO. 192

PARTIES: BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES
and
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 42

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that Alex Juniaus, Foreman, Pier 21, North River, New York, N. Y., who was dismissed from service on April 17, 1956, be returned to service and compensated for all time lost less earnings made in other employment during time out of service.

FINDINGS:

There is an analogy between this claim and that involved in Docket Number 41. The same issue is involved with respect to rule 47(c) and the same disposition thereof is indicated.

The charges against Foreman Juniaus involved gambling on two dates, March 14 and 15, 1956, and threatening to kill one Patrolman and intent to do bodily harm to another. A review of the transcripts of investigation indicates that there was substantial evidence adduced thereat to support the gambling charges and the threats.

The claimant was a foreman and had a responsibility to see to it that the men under him obeyed the carrier's rules against gambling. Yet he openly encouraged the rule violation on the 14th of March and again on the 15th of March after the forceful warning that was given on the 14th. In addition he defied the Carrier's right to exercise supervision and enforcement of its rule in threatening and seeking to intimidate its police. Under these circumstances, we find no basis for interfering with the discipline assessed.

AWARD

Claim denied.

/s/ Francis J. Robertson
Francis J. Robertson
Chairman

E. J. Hoffman
Employee Member

/s/ T. S. Woods
T. S. Woods
Carrier Member

Dated at Baltimore, Maryland this
1st day of December, 1958.