

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 538

Docket No. 538  
File 910243

Parties Brotherhood of Maintenance of Way Employees  
to and  
Dispute Union Pacific Railroad  
(Former Missouri Pacific Railroad Company)

Statement

of Claim: 1. Carrier violated the agreement, especially Rule 12,  
when Trackman/Driver K. L. Fontana was assessed a 60-day  
suspension on January 21, 1991.

(2) Claim on behalf of Mr. Fontana for wage loss suffered,  
beginning December 12, 1990 to February 10, 1991.

Findings: The Board has jurisdiction by reason of the parties  
Agreement establishing this Board therefor.

The Claimant, Trackman/Driver K. L. Fontana, attended a  
formal investigation, held on January 9, 1990, on the  
charge:

"...you allegedly were involved in an altercation with a  
fellow employee and displayed a knife in a threatening  
manner in the parking lot near the Maintenance of Way  
Trailer at Centennial Yard, Ft. Worth, Texas. On December  
12, 1990 while working on Gang 2225 as Trackman/Driver."

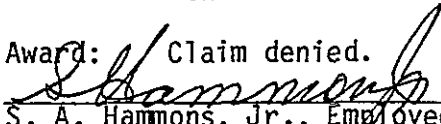
Carrier concluded therefrom that Claimant was guilty.  
He received a 60 day suspension as discipline therefor.


Claimant was accorded the due process to which entitled  
under Rule 12.

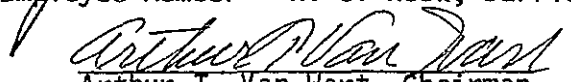
There was sufficient evidence adduced, including the  
admissions of Claimant that he had threatened the employee  
with his knife, to support the Carrier's conclusion of  
culpability. The act complained of was proven. That act  
represented a threat to the safety of another employee and  
it is an act that cannot be tolerated.

The discipline was reasonable. This claim will be  
denied.

Award: Claim denied.

  
S. A. Hammons, Jr., Employee Member

  
R. O. Rock, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued May 27, 1992.