

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 542

Docket No. 542

File 910283

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 V. E. Colbert was assessed a 60-day suspension  
on January 25, 1991.

(2) Claim on behalf of Mr. Colbert for wages lost while  
suspended.

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

The Claimant Trackman V. E. Colbert, was required to  
attend a formal investigation, held on January 4, 1991, on  
the charge:

"While working as Trackman on Gang 9162 in the vicinity of  
Arlington, Colorado, you allegedly made threatening remarks  
to other employees on Gang 9162."

The Carrier concluded therefrom that Claimant was  
culpable and imposed a 60 days actual suspension as  
discipline therefor.

The Board finds that the Claimants were accorded the  
due process to which entitled under Rule 12.

There was sufficient evidence adduced to support  
Carrier's conclusion of culpability. The Carrier resolved  
any questions of credibility. No bad faith therein was  
demonstrated.

As pointed out in Third Division Award 21299:

"It is inherent in the work relationship that personnel must  
conform to certain well-known, commonly accepted standards  
of reasonable conduct while on the job. Published rules and  
regulations are not really necessary to inform an employee  
that misconduct such as fighting or using vulgar language  
combined with threats may subject him to discipline or  
discharge... Childish, uncontrollable, or irresponsible  
outbursts accompanied by physical or verbal assaults cannot  
be tolerated. Such behavior is not excusable because the

offender is in an agitated emotional state. When an employee lacks the emotional stability and rationale judgment to restrain themselves from outburst, he also lacks the minimum qualification to be retained as a member of the work force..."

The imposed discipline of dismissal is found to be reasonable.

Award: Claim denied.

*S. A. Hammons, Jr.*

S. A. Hammons, Jr., Employee Member

*R. O. Rock*

R. O. Rock, Carrier Member

*Arthur T. Van Wart*

Arthur T. Van Wart, Chairman  
and Neutral Member

Issued May 27, 1992.