

SPECIAL BOARD OF ADJUSTMENT NO. 280

Award No. 133

Case No. 213

PARTIES TO DISPUTE:

St. Louis - Southwestern Railway

and

Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM:

- "I. Carrier violated the Maintenance of Way Agreement, especially but not limited to Rule 6 - Discipline and Grievances, when it failed to assist Laborer Jimmie Lee Douglas to recover his property causing him to take matters into his own hands, causing his dismissal.
- "II. Laborer Jimmie Lee Douglas be reinstated with pay for all time lost, with vacation pay, and with seniority and all other rights unimpaired, beginning on the day of his dismissal, March 12, 1976."

FINDINGS:

Claimant was dismissed from Carrier's service for entering into an altercation and assaulting an Assistant Foreman in violation of Rule N of the Uniform Code of Safety Rules and General Regulation Rule No. M-801.

The evidence of record shows that Claimant and the Assistant Foreman got into an argument as to who owned a certain rain slicker top. Soon after Claimant, in the presence of five witnesses, struck the Assistant Foreman in the head with a pick causing serious injury.

After a careful review of this record, the Board is satisfied that Carrier's action was proper and not arbitrary or capricious. There is no place in the railroad industry for resort to violent self-help that results in injury to a fellow

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worker. It cannot be tolerated.

AWARD

Claim denied.

MR. Rums  
Neutral Member

CB. Boyne  
Carrier Member

Ma. Christie  
Organization Member

Date: Sept 5, 1979