

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 538

Docket No. 538  
File 910243

Parties to Dispute: Brotherhood of Maintenance of Way Employees  
and  
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."

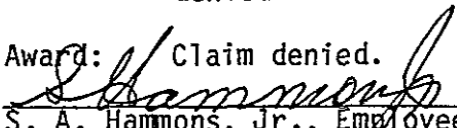
Carrier concluded therefrom that Claimant was guilty. He received a 60 day suspension as discipline therefor.

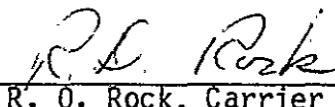
Claimant was accorded the due process to which entitled under Rule 12.

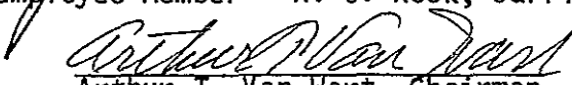
There was sufficient evidence adduced, including the admissions of Claimant that he had threatened the employee with his knife, to support the Carrier's conclusion of culpability. The act complained of was proven. That act represented a threat to the safety of another employee and it is an act that cannot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