

The Second Division consisted of the regular members and in addition Referee George S. Roukis when award was rendered.

Parties to Dispute: (System Federation No. 162, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Blacksmiths)
(
(Southern Pacific Transportation Company

Dispute: Claim of Employees:

1. That the Southern Pacific Transportation Company has violated the current controlling agreement particularly Rule 34, at Houston, Texas by unjustly dismissing from service of the Carrier, Blacksmith Bernard Young on October 7, 1977.
2. That accordingly, the Southern Pacific Transportation Company be ordered to restore Blacksmith Bernard Young to service with all seniority and service rights, vacation rights, holidays, sick leave benefits, and all other benefits that are a condition of employment unimpaired and compensated for all lost time plus 6% annual interest on all such lost wages, also reimbursement for all losses sustained account loss of coverage under health and welfare and life insurance agreements, all this to be effective October 7, 1977.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Claimant, who had been an employee only four months, was discharged following a hearing where he was charged with threatening fellow employes with bodily harm on two separate occasions.

Although duly notified, Claimant failed to attend the hearing. We find that Carrier properly conducted the hearing in this case and that Claimant's failure to attend his own hearing was done at his own peril.

There was more than substantial evidence developed during the hearing establishing Claimant's guilt. These were serious charges and no Carrier

should be required to maintain in its employment short time employes such as the Claimant who clearly display no desire to perform their duties and get along with fellow employes. Claimant's actions and threats toward his fellow employes were, as we said, indeed serious and we find no basis to disturb Carrier's decision to discharge this employe.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of February, 1979.