

The Second Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

Parties to Dispute: (System Federation No. 109, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(Consolidated Rail Corporation

Dispute: Claim of Employees:

- (a) That the Carrier violated the controlling agreement when on July 25, 1977, it assessed five days actual suspension, June 24, 27, 28, 29, 30, 1977 to Car Repairer Jay G. Gensemer, ConRail Repair Facility, Reading, Pa., as a result of a hearing and investigation conducted on June 30, 1977.
- (b) That accordingly the Carrier be ordered to compensate Car Repairer Jay G. Gensemer the five days actual suspension as well as any other compensation the Claimant would have earned during the five day period he was serving his discipline; and further that the Carrier remove all record of this discipline and that Claimant's service record be restored unimpaired.

Findings:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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, a carman at carrier's repair facility in Reading, Pennsylvania, was suspended for five days account insubordination. The record before this Board reveals claimant is guilty as charged and discipline is appropriate. Carrier assessed a five-day suspension for claimant's insubordinate behavior. Insubordination is a serious infraction and cannot be tolerated by any employer. Carrier's action in this case must be upheld.

A W A R D

Claim denied.

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Award No. 8156
Docket No. 8067
2-CR-CM-'79

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 31st day of October, 1979.