

Rule 702(b) reads:

"Employees must comply with instructions from proper authority."

The investigation was postponed due to the claimant's medical leave of absence and eventually held on April 4, 1978.

Following an appropriate hearing at which all parties were freely allowed to present testimony, witnesses and cross examine the penalty herein complained of was assessed on April 7, 1978.

The gravamen of the Carrier's case is contained in the Wire Chief's log for the day in question. That log in pertinent part reads:

"3:30 A.M., notified PJR (claimant) regarding TV circuits 2 and 3, suspects amplifiers both out but won't cover until A.M. account not that hot. Notified Chief Clerk."

The claimant agrees that the log is essentially correct with the exception that he said he would cover but it would be at 7 A.M.

While the foregoing behavior may not illustrate a complete breach of Rule 702(b) it does constitute performance below that which the carrier is entitled to expect and some form of discipline was appropriate.

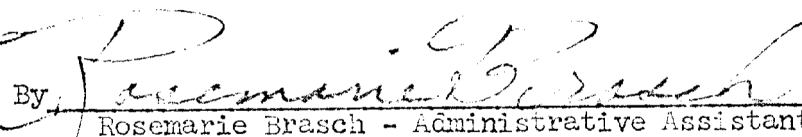
Based upon the entire record, this Board views permanent dismissal as unsuitable. The claimant has suffered financial and emotional loss since his discharge and it is presumed that such an experience will be remedial in nature. He is admonished that he should be motivated more by his responsibility as an employee than personal convenience.

A W A R D

Claimant will be returned to service with the Carrier but without compensation for time lost.

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 5th day of March, 1980.