

The Second Division consisted of the regular members and in addition Referee Steven Briggs when award was rendered.

Parties to Dispute: ( Brotherhood Railway Carmen of the United States  
( and Canada  
(  
( Elgin, Joliet & Eastern Railway Company

Dispute: Claim of Employees:

1. That the Elgin, Joliet and Eastern Railway Company unjustly suspended Carman Charles D. Britt from service for a fifteen (15) day period commencing Monday, October 1, 1979 through and including Monday, October 15, 1979 as a result of an investigation held on September 20, 1979. Said suspension is in violation of Rule 100 of the current Agreement as well as being arbitrary, capricious, unfair, unreasonable and unjust.
2. That the Elgin, Joliet and Eastern Railway Company be ordered to remove the discipline letter, dated September 28, 1979, from Carman Britt's personal file and his record be cleared of the fifteen (15) day suspension.

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.

The Carrier maintains that on September 6, 1979, the Claimant exhibited insubordinate and ungentlemanly conduct toward General Car Foreman U. O. Reed. Basically, the Claimant was representing an employee with a potential grievance when the employee apparently became loud and uncontrollable in Reed's office. Foreman Reed ordered the employee out of his office and the Claimant advised him not to comply with Reed's directive. Reed advised them that such conduct constituted insubordination, yet they remained in his office. The Board understands that the Claimant was functioning as a Local Committeeman at the time, but agrees with the Carrier that such role does not give him general authority to countermand the work-related orders of a supervisor.

On balance, the Carrier's investigation of the matter was conducted fairly and not in violation of Rule 100. Furthermore, the Organization did not provide sufficient evidence to support its claim that the 15-day suspension given the Claimant was arbitrary, capricious, unfair, unreasonable, or unjust.

If the Claimant indeed felt that Foreman Reed was not dealing with him and the involved employe in a proper manner on September 6, 1979, the appropriate action would have been to advise said employe to follow Reed's directive to leave the office, leave it himself, and then decide whether to file a grievance over the matter. Under these circumstances the Board has concluded that a 15-day suspension is not an unreasonable penalty.

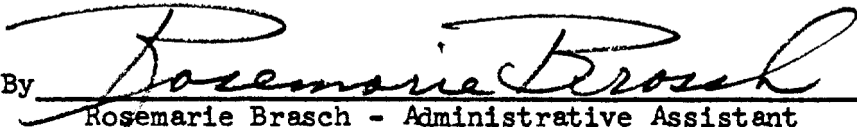
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 22nd day of July, 1982.