

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13229
Docket No. 13100
98-2-96-2-10

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

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers
(National Railroad Passenger Corporation (AMTRAK))

STATEMENT OF CLAIM:

- "1. That under the current Agreement, Electrician A. J. Morgan was unjustly treated when he was suspended from service for a period of fifteen (15) days following investigation for alleged violation of Rule 'L' of the National Railroad Passenger Corporation's Rules of Conduct.
2. That accordingly, the National Railroad Passenger Corporation be ordered to rescind the fifteen (15) day suspension and compensate Electrician A. J. Morgan for all lost wages due to the fifteen (15) day suspension with all rights unimpaired, including service and seniority, vacation, payment of hospital and medical insurance, group disability insurance, railroad retirement contributions, and loss of wages to include interest at the rate of six percent (6%) per annum."

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 were given due notice of hearing thereon.

Claimant was suspended from the service of the Carrier for 15 days as a result of an Investigation held on October 3, 1994. Claimant was found to have violated Rule L on September 2, 1994. The Rule reads:

"L. Obeying Instructions

Employees must obey instructions, directions, and orders from AMTRAK supervisory personnel and officers except when confronted by a clear and immediate danger to themselves, property, or the public. Insubordinate conduct will not be tolerated."

The Organization filed this case, arguing that Claimant had completed a full night's work which began at 11:59 P.M. on September 1, 1994.

The Carrier takes the position that it proved Claimant was instructed to work the last two cars on Train 704, and failed to do so.

The transcript shows that Claimant was instructed by the Carrier's Supervisor and General Foreman to work cars 53505 and 54013, and particularly to make sure the refrigerators and freezer were working in car 53505. Claimant failed to do the work. As a result Claimant's Supervisor had to perform the work to make sure the train was not delayed.

The Board finds no basis to overturn the action of the Carrier in this case.

AWARD

Claim denied.

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ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 30th day of March 1998.