

**Award No. 1253**

**Docket No. 1181**

**2-B&O-FO-'48**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

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

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**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 30, RAILWAY EMPLOYEES'  
DEPARTMENT, A. F. of L. (Firemen & Oilers)**

**BALTIMORE AND OHIO RAILROAD COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:** That under the current agreement Engine Supplyman Warren White was unjustly discharged from the service, and that accordingly the carrier be ordered to reinstate him in the service with seniority rights unimpaired, with pay for all wage loss suffered since February 6, 1947.

**JOINT STATEMENT OF FACTS:** At Hamilton, Ohio, Warren White was employed on the 11:00 P. M. to 7:00 A. M. shift as an engine watchman, holding seniority in Group "B" of the Firemen and Oilers' organization as of August 16, 1945.

On February 7, 1947 Warren White was given notice to appear for hearing at 2:00 P. M., February 11, 1947 on the following matter:

"Insubordination on Feb. 6, 1947."

Following this investigation, which was held on February 11, 1947, the carrier dismissed Warren White from its service.

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**EMPLOYEES' STATEMENT OF FACTS:** At Hamilton, Ohio, the carrier employed Warren White on the 11 P. M. to 7 A. M. shift as engine supplyman, and with a seniority date of "B" August 16, 1945.

After the close of Mr. White's shift on February 6, 1947, as the result of serving the firemen and oilers' union as local chairman, he was approached by Fire Knocker Collin Woods, on the first shift, then serving as engine watchman, relative to why he should watch engines with a junior man on his job. During the course of Local Chairman White supplying Mr. Woods with the information requested, Enginehouse Foreman Booth came upon Mr. White from behind and thereupon Mr. Booth interfered with the conversation that White was holding with Woods, ordered White out of service and viciously struck and injured him.

On February 7, 1947, Mr. White was charged with insubordination, on February 6, and his hearing date was set for 2 P. M., February 11. This is affirmed by the copies of letters submitted, both dated February 7, 1947, and both signed by Mr. Booth, identified as Exhibits 1 and 1-A.

**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.

The parties to said dispute were given due notice of hearing thereon.

While in dispute, the record contains sufficient evidence to support the carrier's findings that Engine Supplyman Warren White was guilty of insubordination on February 6, 1947, by telling an employe not to follow the instructions of his superior officer as to what work he should do and also by the use of abusive language.

There is also evidence in the record that Enginehouse Foreman Booth, whose orders White told Fire Knocker Collin Woods not to obey, had prior thereto and at the time of the incident here involved acted in a manner not fitting a supervisory officer; however, that is not a matter with which we are here concerned, but is a matter for consideration by the carrier for that fact does not lessen or relieve White of the effect of his conduct.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

ATTEST: J. L. Mindling  
Secretary

Dated at Chicago, Illinois, this 29th day of June, 1948.