

The Second Division consisted of the regular members and in addition Referee Harold M. Weston when award was rendered.

Parties to Dispute: { System Federation No. 109, Railway Employees'
{ Department, A. F. of L. - C. I. O.
{ (Electrical Workers)
{ Reading Company

Dispute: Claim of Employees:

1. That under the current agreement Electrician James Doyle was unjustly treated when he was suspended from service on May 22, 1972 to July 3, 1972, for alleged disobedience.
2. That, accordingly, a) the Carrier be ordered to compensate Electrician James Doyle for all time lost from May 22, 1972 to July 4, 1972; b) Claimant be made whole for all fringe benefit disparities resulting from this suspension; and, 3) for removal of the disciplinary notation against the Claimant's service record.

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.

Parties to said dispute were given due notice of hearing thereon.

This dispute centers on a thirty-day suspension administered to Claimant, an electrician, for refusing to comply with his supervisor's instructions.

The record establishes that Claimant was given unambiguous and direct instructions by his immediate supervisor, Assistant Foreman Burne, to take a Company pick-up truck and drive to Deepwater, New Jersey, about a fifteen-mile distance, to inspect ground relays on a locomotive that was shut down in the DuPont Plant. That Claimant refused to comply with those instructions is equally clear.

There is no evidence that the assignment would have exposed Claimant to undue hazard or ridicule or trespassed on any rule of the applicable Agreement.

It is entirely clear that Claimant's duty as an employe was to comply promptly with Mr. Burne's instructions, their validity could have been tested subsequently, if he so desired, under the grievance procedure.

We do not agree with Petitioner that Carrier committed reversible procedural error. Claimant was accorded a hearing on due notice, was well represented there by his General Chairman and was afforded a fair opportunity to present his case and cross-examine adverse witnesses.

The failure to comply with unambiguous orders from supervisors is a serious violation and we find no valid basis for setting aside the discipline assessed in this case.

A W A R D

Claim denied.

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 30th day of May, 1975.