

The Second Division consisted of the regular members and in addition Referee Gene T. Ritter when award was rendered.

Parties to Dispute: (System Federation No. 16, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(
(Norfolk and Western Railway Company

Dispute: Claim of Employees:

1. That under the applicable Working Agreement Carrier unjustly dismissed Carman Robert J. Saulters on October 29, 1974, at Chicago, Illinois, and in the handling of the claim on the property, Carrier violated Article V (a), National Agreement dated August 21, 1954.
2. That Carrier be ordered to reinstate Carman Robert J. Saulters, compensate him for all time lost beginning October 6, 1974, the day he was unjustly withdrawn from service, make him whole for seniority rights, vacation rights, sick benefits, health and welfare and life insurance benefits and all other benefits he would have received had he not been unjustly dismissed.

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 Record in this case discloses that Claimant was dismissed from service of Carrier for insubordination. The Record discloses that Claimant refused to work the head end of the yard and persistently refused to comply with his Supervisor's instructions to work the head end assignment. After the fourth refusal by Claimant to accept the head end assignment, Claimant was relieved from duty. As a result of this incident, a formal investigation was held resulting in Claimant being dismissed from service. This Board finds that the Claimant received a fair hearing and that the punishment imposed was justified. Insubordination is one of the most serious violations that can be perpetrated by an employee. If an employee were permitted to decide for himself how he is to react in a given situation, chaos and confusion would reign in the industry and the entire grievance procedure replaced with extra-contractual methods. However, this Board feels that the discipline

imposed has served its purpose and that the Claimant should be reinstated, without pay, but with all other rights restored. This Claimant should accept the action of this Board in reinstating him to service as a final opportunity to become a dependable employee.

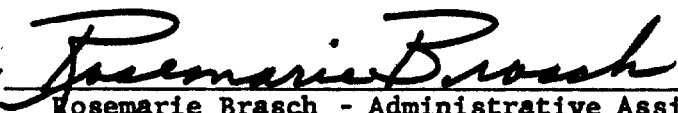
A W A R D

Claim sustained to the extent indicated in the Findings.

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 25th day of January, 1977.