

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: { System Federation No. 106, Railway Employees'  
{ Department, A. F. of L. - C. I. O.  
{ (Carmen)  
{ The Washington Terminal Company

Dispute: Claim of Employes:

1. That under the current agreement, car cleaner C. D. Roane was unjustly and capriciously dealt with when he was removed from the service of the Washington Terminal Company pending hearing and dismissed effective November 24, 1975.
2. That accordingly the Washington Terminal Company be ordered to return car cleaner C. D. Roane to the service of the Washington Terminal Company with seniority and vacation rights unimpaired and compensated for all time lost since October 27, 1975.

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 waived right of appearance at hearing thereon.

Claimant, an employe in Carrier's service for less than one year, was charged with:

"Insubordination by refusing to follow instructions given to you by your supervisor at 1:00 p.m., on October 27, 1975."

After hearing and investigation, Claimant was dismissed from Carrier's service. Claimant had a clean record prior to this discipline.

A careful review of the record shows that Claimant refused to comply with an order by his Gang Leader to go into an empty car to await the arrival of a passenger train. Under the circumstances, Claimant was insubordinate. However, permanent dismissal was excessive. Claimant should, therefore, be restored to service with seniority unimpaired but without pay for time lost.

Form 1  
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Award No. 7276  
Docket No. 7143  
2-WT-CM-'77

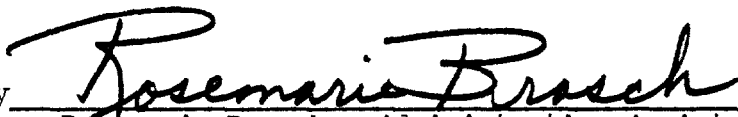
A W A R D

Claim disposed of per findings herein.

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 5th day of April, 1977.