

The Second Division consisted of the regular members and in addition Referee James F. Searce when award was rendered.

Parties to Dispute: { System Federation No. 1, Railway Employees'
 { Department, A. F. of L. - C. I. O.
 { (Electrical Workers)
 { National Railroad Passenger Corporation

Dispute: Claim of Employees:

1. That under the terms of the controlling agreement, Electrician J. J. Thompson was unjustly dismissed from the service of the National Railroad Passenger Corporation on July 1, 1977.
2. That, accordingly, the National Railroad Passenger Corporation (AMTRAK) be ordered to reinstate dismissed Electrician J. J. Thompson to their service with all rights unimpaired and reimbursed for net wages lost.

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.

The record of the case makes it sufficiently clear that the Claimant committed a cardinal error in his reaction, or lack of it, to a reasonable managerial decision: he was instructed to exercise his seniority rights to another position as a result of a realignment. It is incumbent upon an employee to carry out a reasonable order and, if an error in judgment is contended, to raise such objection via the grievance procedure. The exception to this well-established axiom is where such an order would place the employee or others in jeopardy; no such circumstance is evident here. It is sufficiently established that the Carrier even afforded the Claimant an opportunity to review the management directive relative to exercising his seniority before such action was to take place; he failed to properly utilize that opportunity. The Claimant compounded his error by his demeanor later that day and at the meeting convened to discuss the matter. Such untoward behavior could gain for him even more stringent discipline, given the gravity of such offense.

We find no error in the Carrier's handling of this matter, but we shall afford the grievant a "last chance" opportunity to demonstrate himself as a productive and cooperative employee. Such reinstatement will not be accompanied by back pay, but the Claimant's seniority shall be restored intact.

A W A R D

Claim upheld as set out in the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 1st day of August, 1979.