

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

(Brotherhood Railway Carmen of the United States
(and Canada

Parties to Dispute: (

(Chicago and North Western Transportation Company

Dispute: Claim of Employees:

1. Carman Keith Lodes was unjustly assessed twenty-five (25) days actual suspension plus fifteen (15) days which had been previously deferred on March 5, 1980.

2. Carman Keith Lodes was erroneously charged with failure to obey an order given by the General Car Foreman, and for absenting himself without permission on February 12, 1980.

2. That accordingly, the Chicago and North Western Transportation Company be ordered to compensate Carman Keith Lodes eight (8) hours pay per day from the date of his removal from service, February 12, 1980, to the date of his return, March 25, 1980; and that he be made whole for all benefits to which he is entitled in accordance with Rule 35.

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 employes 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 was a Carman employed by Carrier in the Proviso Yard. On February 12, 1980, he was attending a safety meeting. At the conclusion of the meeting, the employes were in the lunch room and some things were being thrown about. A Supervisor entered the lunch room and observed Claimant throwing a Coca Cola can into the corner. After the employes left the lunch room, the Supervisor ordered Claimant to clean up the lunch room. Claimant refused and the Supervisor then went to the General Car Foreman to discuss the issue. The General Foreman ordered Claimant to clean the lunch room. He proceeded to do so. When Claimant's work was inspected, he was told to completely clean the lunch room and not leave it partly done. Claimant at this point went to the locker room, changed his clothes, and left the property. As a result of this, Claimant was charged as follows:

"Your responsibility for your failure to obey an order to you by General Car Foreman G. M. Mallen at approximately 11:40 a.m., February 12, 1980 and for absenting yourself without permission from your assignment on February 12, 1980."

The Hearing was held on February 20, 1980. As a result of the Hearing, Claimant was found guilty as charged and assessed a 25-day actual suspension. The suspension triggered a 15-day deferred suspension assessed on January 14, 1980.

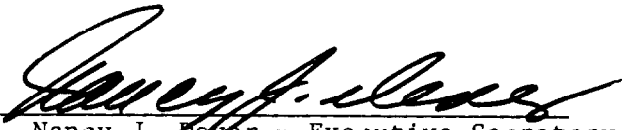
This Board has reviewed the total record of this case and concludes that Claimant was guilty of failing to follow orders. This Board has commented on numerous occasions about an employe's obligation to follow orders whether he likes those orders or not. In the instant case, Claimant failed to follow a proper order and as a result, he was properly disciplined.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 26th day of August 1987.