

The Second Division consisted of the regular members and in addition Referee Joseph S. Cannavo, Jr. when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers
(CSX Transportation, Inc. (former SCL)

STATEMENT OF CLAIM:

1. Time claim and grievance filed on behalf of Electrician Richard Kovach, Waycross, Georgia for four hours and forty-five (4 Hrs. 45 Mins.) account Carrier removing Claimant from service eight (8) hours each day at the pro rata rate of twenty (20) days being September 21, 1987 and October 8 through October 26, 1987 (twenty (20) days suspension). Further grievance file account Carrier refusing to allow Claimant's Local Chairman to be present on September 20, 1987 and Claimant's personal record being cleared of formal hearing in which Carrier has violated controlling agreement, particular Rule 32.

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.

On October 6, 1987, Claimant was assessed a twenty (20) day suspension for violating that portion of Rule 3 of the SBD Rules and Regulations of the Mechanical Department pertaining to insubordination. This discipline was assessed following an Investigation held on September 24, 1987, wherein the Claimant was accused of refusing the same direct order twice.

The Board has reviewed the evidence and testimony of the case. The Claimant provided no safety and/or health reason for refusing the Supervisor's instructions. By his own admission he refused the directive and did not consider the alternative of "obey now, grieve later." This Board can only interpret the Claimant's actions as insubordination. Further, the discipline is commensurate with the severity of the offense.

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Award No. 11866
Docket No. 11743
90-2-89-2-17

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 6th day of June 1990.