

Award No. 16286  
Docket No. CL-17208

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

Arthur W. Devine, Referee

**PARTIES TO DISPUTE:**

**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP  
CLERKS, FREIGHT HANDLERS, EXPRESS AND  
STATION EMPLOYES**

**CHICAGO AND NORTH WESTERN RAILWAY COMPANY**

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood (GL-6353) that:

1. The Carrier violated the Clerks' Agreement when effective with date of July 27, 1966 it arbitrarily and without just cause dismissed Frank W. Carroll, Senior Real Estate Clerk, Chicago, Illinois, from service.
2. Senior Real Estate Clerk Frank W. Carroll shall now be reinstated to the service of the carrier with seniority, vacation, holiday and all other rights unimpaired and compensate him for all loss of time sustained until he is reinstated.
3. Senior Real Estate Clerk Frank W. Carroll's record shall be cleared of all alleged charges or allegations which may have been recorded thereon as a result of the alleged violation named herein.

**OPINION OF BOARD:** This is a discipline case involving dismissal of Claimant for refusing to comply with instructions.

The record in the case is voluminous. We have studied it carefully, and do not find that any of Claimant's substantive procedural rights were violated.

As to the merits of the case, the record is clear that Claimant deliberately refused to comply with reasonable instructions or orders of his supervisors. It is a generally recognized principle in the railroad industry that reasonable orders issued by supervisory officers must be complied with. Whether the Claimant believed that the work involved could properly be assigned to him is not controlling. It was his duty to comply with instructions and thereafter seek a remedy through proper grievance channels for whatever rights he felt were violated.

We are not unmindful of Claimant's forty-seven years of service. However, years of service alone does not give an employe a right to violate rules or orders. If he does, he does so at his peril. We will deny the claim.

**FINDINGS:** The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated by the Carrier.

**AWARD**

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 10th day of May 1968.