



Award Number 17771

Docket Number CL-18178

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

David Dolnick, Referee

PARTIES TO DISPUTE:

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

CHICAGO UNION STATION COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6553) that:

- (1) *The Carrier violated the rules of the Clerks' Agreement of November 1, 1965, as amended, when it arbitrarily and capriciously suspended Tractor Operator R. K. Knudsen from its service for a period of ten working days following investigation held on December 29, 1967, and that therefore:*
- (2) *Mr. R. K. Knudsen shall now be compensated for all wage loss sustained from the time lost as a result of the suspension, and his record be cleared of charges.*

OPINION OF BOARD: Claimant was charged with insubordination. He was suspended for ten working days after an investigation.

There is no question that two supervisors asked Claimant to leave the locker room and return to his work area. Claimant did not comply because he felt that the Foremen had no right to tell him whether he should return immediately, in five minutes or in ten minutes. He did not return to his work area even after the Mail Foreman directed him to do so.

If the Claimant felt that the instructions from the supervisors were unreasonable he should have complied and grieved. He had no right to deliberately disobey the order in the absence of any probative evidence that the request was capricious, arbitrary, unreasonable or discriminatory. In the absence of such evidence, the Board has no authority to substitute its judgment for that of the Carrier.

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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 11th day of March 1970.