

NATIONAL RAILROAD ~~ADJUSTMENT~~ BOARD

THIRD ~~DIVISION~~

Award Number 21083
Docket Number CL-21098

Lloyd H. Bailer, Referee

PARTIES TO DISPUTE: (
(~~Brotherhood~~ of Railway, Airline and
(~~Steamship~~ Clerks, Freight ~~Handlers~~,
(~~Express~~ and Station Employee
(Seaboard Coast Line Railroad Company

STATEMENT OF CUM: Claim of the System Committee of the Brotherhood,
GL-7814, that:

(1) Carrier acted arbitrarily, capriciously and in a harsh and discriminatory manner when it dismissed Richard **Scriven** from its service.

(2) Carrier shall reinstate Richard **Scriven** to the service with seniority unimpaired and compensation for **all** wages lost.

OPINION OF BOARD: The evidence is clear that Claimant declined to comply with a supervisor's instructions to remain on duty two hours beyond his regular quitting time for the purpose of performing certain additional work on an overtime **basis**. Claimant understood these **instructions**. There were no circumstances sufficiently mitigating to excuse this insubordinate conduct. We are unable to **say** that Carrier abused its discretion by assessing the penalty **of dismissal**.

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:


Executive Secretary

Dated at Chicago, Illinois, this **28th** day of **May** 1976.