

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21515  
Docket Number MW-21807

Robert W. Smedley, Referee

**PARTIES TO DISPUTE:** (Brotherhood of Maintenance of Way **Employees**  
(  
(Southern Pacific Transportation Company  
( **Texas and Louisiana** Lines

**STATEMENT OF CLAIM** Claim of the System **Committee** of the Brotherhood that:

(1) The dismissal of Laborer Clovis Alexander was unwarranted and **without just and sufficient cause (System File MW-75-91).**

(2) **Laborer** Clovis Alexander be reinstated with seniority, **vacation** and **all other rights** unimpaired and he be compensated for **all wage loss** suffered.

**OPINION OF BOARD:** Claimant was discharged for insubordination in refusing to cut weeds because he "saw a snake" out there, and feared for his life. There is substantial evidence to support the discharge. The weed-cutting was done that day by **another** worker who had no trouble with snakes. Claimant complains of harassment by foreman Johnson. Rut Johnson's was not the only personality conflicting with Claimant's, whose past work record **showed** problems with others.

**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**

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 29th day of April 1977.