

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRDDIVISION

Award Number 22622
Docket Number CL-22566

George S. Roukis, Referee

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight **Handlers**,
(Express and Station **Employees**
PARTIES TO DISPUTE: (
(Norfolk and Western Railway Company

STATEMENT OF CLAIM: Claim of the System **Committee** of **the** Brotherhood
(668574) that:

1. Carrier violated **the provisions** of the April 1, 1973
Agreement in general and **Rule 27 in** particular when **on** September 22,
1977, C. T. **Darden** was assessed sixty (60) days actual suspension.

2. Carrier's **action** was unjust, unreasonable and an abuse
of Carrier's discretion.

3. Carrier shall remove the discipline from Ms. Darden's
record and pay her for all lost time with all rights and privileges
unimpaired.

OPINION OF BOARD: Claimant, **while** employed as a clerk-steno in
Carrier's Regional Medical Department Office at
Cleveland, Ohio, was - as the result of an investigation held on
September 13, 1977 - assessed a disciplinary suspension of sixty (60)
days effective September 26, 1977. The investigation had its genesis
in a **controversy** which occurred on August 23, 1977 in **which** claimant
allegedly failed to comply **with** work related performance **instructions**
from both the Chief Clerk and the Regional Medical Director.

The record indicates that claimant&s present and ably
represented at the **investigation**. She and her representative were
permitted to cross examine all witnesses who testified, and she and
her representative were permitted to enter **into the** record all
testimony which they **deemed** pertinent.

From our review of the testimony offered in this record,
there is no doubt but that a proper work-related instruction was
given by duly constituted authority and that claimant chose to invoke
self-help by refusing to comply **with** the instruction. There is no
question in this industry but that **employees must** comply with properly

directed instructions and then pursue the established grievance remedies if they believe the instructions to be in error. There is no indication here that any of the recognized exceptions to this general rule existed.

We hold, therefore, that Carrier acted properly and leniently under the circumstances present in this case and deny the claim as presented.

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:

A. W. Pauls
Executive Secretary

DEC 14 1979

Dated at Chicago, Illinois, this **9th** day of **November 1979**.