

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23508
Docket Number SC-23961

Paul C. Carter, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Elgin, Joliet and Eastern Railway Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Elgin, Joliet and Eastern Railway Company:

On behalf of Mr. L. L. Winslett, who was dismissed from service for allegedly being insubordinate on January 16 and 17, 1979."

(Carrier file: 144-293 WI (asc: RC-1-80)

OPINION OF BOARD: The record shows that the claimant entered Carrier's service as a signal helper on January 25, 1974, and was advanced to the position of Leading Signalman/Leading Maintainer on February 4, 1977. At the time of the occurrence giving rise to the dispute herein, claimant was assigned to work as Leading Maintainer on Carrier's Ivanhoe District, from 3:30 P.M. to 11:00 P.M., Monday through Friday.

On January 30, 1979, claimant was notified by the Signal Supervisor:

"Pursuant to Rule 58 of the current agreement between the Brotherhood of Railroad Signalmen and this Company, I am charging you as follows:

'Insubordination in your failure to clean snow from pipeline at Ivanhoe Interlocking as instructed by Supervisory Signal Maintainer R. L. Buttles on Tuesday, January 16, 1979, and as directed to do so by Signal Supervisor K. P. Elliott on Wednesday, January 17, 1979.'

In accordance with Rule 58 of the current agreement between the Brotherhood of Railroad Signalmen and this Company, an investigation on the above charge will be held at 2:45 P.M., Thursday, February 8, 1979, in the Conference Room on the Second Floor of the Annex Building, Kirk Yard, Gary, Indiana. Should you desire representatives and witnesses in your behalf as set forth in our current agreement, please arrange for same. "

By agreement, the investigation was postponed and conducted on February 15, 1979. A copy of the **transcript** of the investigation has been ~~made~~ a **part of the** record.

The instructions referred to in the letter of charge had to do with snow removal from pipeline leading to the interlocking plant.

There was substantial **evidence** adduced at the investigation to show that claimant devoted very little, if any, **time** to **snow removal** from the pipeline. It was also **developed** that it is important to keep snow removed **from** the pipeline to the **extent** possible.

In the handling of the **dispute** on the property **it** was also brought **out** that claimant's prior work record was not good.

Claimant's actions in the **case** for which charged on **January 30, 1979**, coupled with his prior service record, justified the discipline that was imposed.

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 **Employee** involved in this dispute are respectively Carrier and **Employee** 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. Paulson

Executive Secretary

Dated at **Chicago**, Illinois, this 29th day of January 1982.