

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20102
Docket Number CL-20353

Joseph A. Sickles, Referee

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-7350)
that:

(A) The Carrier violated the agreement on or about February 4, 1972 when it dismissed Ralph Dingle from the service.

(B) The Carrier shall now reinstate claimant to the service and compensate him for all wage loss less any compensation earned in other employment.

OPINION OF BOARD: Claimant was dismissed from Carrier's Service for insubordination. The record demonstrates that on the day in question, Claimant repeatedly refused to check a certain interchange, as instructed, but rather, he persisted in stating his intention to check a different interchange.

The Board has carefully reviewed the entire record, including the transcript of investigation compiled on February 1 and 2, 1972, and finds no violation of Claimant's procedural rights.

The record shows that on November 17, 1972 the Organization's General Chairman and Carrier's Terminal Superintendent reached an understanding, under the terms of which the Claimant was to be reinstated on a leniency basis. However, it appears that Claimant determined that the leniency settlement was unsatisfactory and ultimately rejected same. Thereafter, the Superintendent advised the General Chairman that the reinstatement offer was null and void.

A study of the transcript of the two (2) day investigation convinces the Board that the Carrier clearly established its grounds for disciplinary action by a substantial showing that Claimant was insubordinate. In short, Claimant failed to comply with his Supervisor's valid instructions as to work to be performed.

Moreover, we are unable to discover anything of record to suggest that the discipline of dismissal from service was arbitrary, capricious or unreasonable in this case. The claim will be denied.

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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

Dated at Chicago, Illinois, this 11th day of January 1974.