

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 Employees
(Seaboard Coast Line Railroad Company

STATEMENT OF CLAIM: 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 instruc-
tions. There were no circumstances sufficiently mitigating to excuse this
insubordinate conduct. We are unable to say that Carrier abused its dis-
cretion 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: A. W. Pauls
Executive Secretary

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