

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. But 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.