

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22622
Docket Number CL-22566

George S. Roukis, Referee

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8574) 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 was 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.

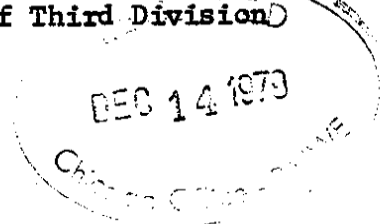
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary



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