

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24154
Docket Number MW-24147

Herbert L. Marx, Jr., Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(The Chesapeake and Ohio Railway Company
(Southern Region (and Hocking Division)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The suspension of thirty (30) days imposed upon Track Foreman T. J. DeRossett, Jr. and the disciplinary demotion to trackman and/or disqualification as track foreman imposed upon him for alleged insubordination was arbitrary, capricious, without just and sufficient cause and on the basis of unproven charges (System File C-D-944/MG-2786).

(2) Mr. T. J. DeRossett, Jr.'s seniority as track foreman and assistant foreman be restored and unimpaired, his record be cleared of the charge leveled against him and he shall be compensated for all wage loss suffered including the difference between what he would have received at the track foreman's rate and what he was paid at the trackman's rate and overtime pay until he is returned to work as a track foreman with seniority as such unimpaired."

OPINION OF BOARD: Claimant T. J. De Rossett, Jr., Track Foreman, was suspended for a period of 30 days and also was disqualified as a track foreman due to Carrier having found him guilty of insubordination when he refused to follow his supervisor's instructions. There is substantial evidence in the investigative hearing record to support this charge.

Claimant engaged in a serious act. Insubordination is a pernicious thing. It cannot be tolerated especially within the class of employe charged with first-line supervisory authority. Under the circumstances the Board is unable to find that the actions of Carrier constituted either an abuse of its discretion or excessive discipline.

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: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of February 1983.

