

PUBLIC LAW BOARD NO. 1760

Award No. 116

Case No. 116

Carrier File MW-DEC-87-13

Parties Brotherhood of Maintenance of Way Employees  
to and  
Dispute Norfolk and Western Railway Company

Statement

of Claim: T. T. Powell-30 days suspension for refusal to follow instructions.


Findings: The Board has jurisdiction of this case by reason of the parties Agreement establishing this Board therefor.

The R-3 Rail Gang boarded bus #9915, on May 19, 1987, and departed the camp car enroute to the westbound yard at Decatur, Illinois at 7:00 AM. The Claimant Trackman herein was a member of this gang of approximately 40 employees and he sat behind the driver. Supervisor Greenfield was seated on the opposite side of the bus directly across from the Claimant. Upon reaching their destination, at approximately 7:10 AM, said supervisor instructed Claimant to go ahead and disembark the bus first. He told him two more times. Claimant advised that he did not want to get off the bus first but would depart later. He got off about 5th or 6th. The supervisor, in essence, told Claimant that he failed to follow instructions and that could be construed as insubordination. The Claimant asked the supervisor what he was going to do about it. The supervisor advised him that he was being held out of service pending an investigation for failure to follow instructions. Claimant was notified to attend a formal investigation. As a result thereof Carrier found him culpable of the charge and assessed the discipline here appealed.

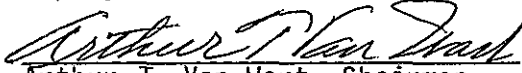
Clearly, this is a situation in which both parties are at fault. The discipline will be reduced to a ten (10) day suspension.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.

  
S. A. Hammons, Jr., Employee Member

  
L. F. Miller, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member