

**BEFORE PUBLIC LAW BOARD NO. 1837**

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES**

**AND**

**NORFOLK AND WESTERN RAILWAY COMPANY**

**Award No. 80**

**STATEMENT OF CLAIM:** Claim of the Brotherhood that:

Claim on behalf of L. F. Goble requesting that he be reinstated and paid for time lost, as a result of his dismissal from service following investigation held on July 5, 1991, in connection with insubordination in failing to follow instructions by leaving his job assignment without permission.

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.

This Board has reviewed the evidence and testimony in this case and we find that there is sufficient evidence and in the record to support the finding that the Claimant was guilty of insubordination and failing to follow instructions when he left his assignment without permission on May 24, 1991.

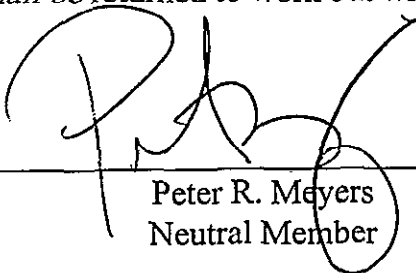
Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed.

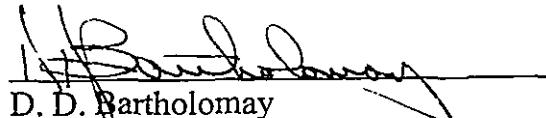
This Board will not set aside a Carrier's imposition of discipline unless we find its actions to have been unreasonable, arbitrary or capricious.

Given the length of service of this Claimant and his relatively decent previous disciplinary record, this Board finds that the Claimant shall be reinstated but without backpay. The period that he was off shall be considered a lengthy suspension for the serious wrongdoing of which he was found guilty.

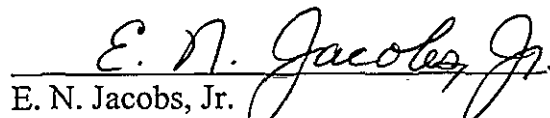
AWARD

Claim sustained in part. The dismissal of the Claimant shall be reduced to a lengthy suspension. He shall be returned to work but without backpay.

  
Peter R. Meyers  
Neutral Member

  
D. D. Bartholomay  
Organization Member

DATED: 12-22-94

  
E. N. Jacobs, Jr.  
Carrier Member

DATED: December 15, 1994