

PUBLIC LAW BOARD NO. 1838

Award No. 43

Carrier File MW-WI-79-9

Parties Brotherhood of Maintenance of Way Employees
to and

Dispute Norfolk and Western Railway Company

Statement

of Claim: The employes request that Claimant I. G. Howard be paid for the 45 days' actual suspension, which was assessed against him as a result of a charge of insubordinate actions toward his immediate supervisor.

Findings: The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated March 1, 1976, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant Section Laborer was dismissed from service, January 29, 1979, by his Division Engineer because of insubordination towards his Section Foreman.

A formal investigation was requested, pursuant to Rule 31 - Discipline and Grievances. It was held February 16, 1979. As a result thereof, Claimant was advised March 8, 1979 that the discipline assessed was modified and reduced to a 45 day actual suspension.

The Board finds that Claimant received all the rights to which entitled under said Rule 31. He was capably represented, confronted his accuser, and he exercised his right of appeal.

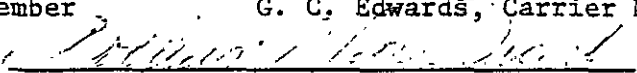
There was sufficient evidence adduced to support the conclusion that claimant had been insubordinate.

The discipline assessed, in the circumstances, was reasonable. This claim will be denied.

Award: Claim denied.


A. D. Arnett, Employee Member


G. C. Edwards, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Salem, New Jersey, September 30, 1980.