

Award No. 14  
Case No. 7

Public Law Board No. 2363

PARTIES  
TO  
DISPUTE:

Brotherhood of Maintenance of Way Employes  
and  
Louisville and Nashville Railroad Company

STATEMENT  
OF  
CLAIM:

1. Track Repairman R. D. Smelley's dismissal was without just or sufficient cause and was arbitrarily and capriciously imposed.
2. Claimant shall be returned to service with seniority unimpaired and with pay for all time lost.

FINDINGS:

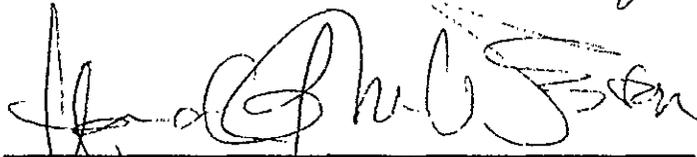
The record clearly establishes that claimant and a fellow track repairman, E. T. Green, left the property in defiance of instructions by Assistant Roadmaster Hobbs to get back to work. After their dismissal, Green accepted reinstatement on a leniency basis. No response was received from claimant to a similar offer. It is our view that claimant should be afforded

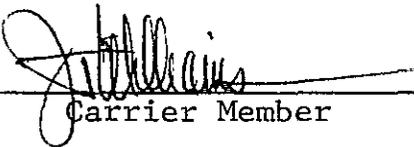
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another opportunity to show himself to be a reliable employe. We will accordingly direct that he be offered immediate reinstatement with seniority rights unimpaired but without back pay.

AWARD: Claimant to be reinstated without back pay.  
Award effective within 30 days of its adoption.

Adopted at Louisville, Kentucky, *January 7,* 1980.

  
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Harold M. Weston, Chairman

  
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Carrier Member

  
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Employee Member