

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

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

STATEMENT
OF
CLAIM:

The dismissal of Carpenter Raymond Bradley for alleged insubordination was without just and sufficient cause; he should be allowed the remedy prescribed in Rule 27(f).

FINDINGS:

Carrier's findings that claimant was insubordinate are supported by substantial credible evidence consisting in the main of testimony by claimant's foreman, W. F. Duty and Carpenter Helper Key.

The evidence shows that on April 9, 1981, a delivery truck arrived at claimant's floating gang's location with rods for the gang's use. Foreman Duty instructed claimant and another carpenter, Mr. Yocum, to unload the material. Yocum complied promptly but claimant ignored the instructions, although they were given twice to him; he informed Mr. Duty that he was on his break and sat down.

On the following morning upon his arrival at the work site, claimant told two other members of the gang to get his

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tool box out of the truck, some 20 feet away, and bring it to him. Foreman Duty told claimant that it was his responsibility to bring the tool box to the site and that he would not take two men from the job to carry claimant's tool box. Claimant argued that the practice was to have carpenter helpers to carry the carpenters tool box. Claimant advised Mr. Duty that he was going to call the office about the matter and walked off the job. He did not return to the site until about four hours later.

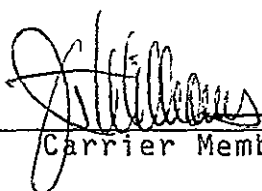
It is entirely clear that claimant was insubordinate. He could have utilized the orderly processes to which his Organization and Carrier are committed to process any complaint he may have had regarding his foreman's instructions. He was not at liberty, however, to resort to self-help and to interfere with the work of his gang.

No prejudicial error is disclosed by this record.
The claim will be denied.

AWARD: Claim denied.

Adopted at Jacksonville, Florida, April 21, 1983.


Harold M. Weston, Chairman


Carrier Member


Employee Member