

PUBLIC LAW BOARD NO. 2556

Award No. 12

Case No. 16
File No. MW-254

Parties Brotherhood of Maintenance of Way Employees
to and

Dispute Georgia, Southern and Florida Railway Company

Statement

of Claim: Claim on behalf of L. W. Williams for reinstatement with seniority and other rights unimpaired, and pay for all time lost subsequent to 12/12/79; account dismissed for refusal to follow instructions of his supervisor on 12/4/79.

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 October 17, 1979, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant, on December 4, 1979, was assigned as a Laborer on Combination Gang No. 4 engaged in laying welded rail.

He was instructed by his Foreman on December 4, 1979 that it would be his duties to work the position that would be picking up spikes on the north rail. Claimant refused to do so. The Foreman issued the same instructions a second time with Claimant again refusing to comply with them. Thereafter, the Assistant Foreman attempted to get Claimant to comply with Foreman Brown's instructions. Claimant again refused to comply with the Assistant Foreman's request.

Thereafter, Foreman Brown called Supervisor Davis to the scene who then instructed Claimant to work the position picking up spikes. When Claimant told Supervisor Davis that he was not going to pick up spikes, he was thereupon removed from service pending an investigation.

Claimant was notified to attend a formal investigation charged with refusing to follow instructions of his supervisors on December 4, 1979.

As a result thereof, Carrier concluded Claimant to be guilty as charged. He was dismissed from service as discipline therefor.

Claimant was accorded due process.

There was sufficient evidence adduced, including Claimant's admission, to support the conclusion reached by Carrier as to Claimant's guilt. Clearly, Claimant was insubordinate. Insubordination is a serious matter. The Board will not substitute his judgement for that of Carrier.

The Board in the circumstances finds the discipline to be reasonable. This claim will be denied.

Award: Claim denied.



A. D. Arnett, Employee Member



R. S. Spenski, Carrier Member



Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Wilmington, Delaware, April 30, 1982.