

Award No. ²⁴
Case No. 72

Public Law Board No. 2778

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Baltimore and Ohio Railroad Company

STATEMENT
OF
CLAIM:

Foreman D. R. McLain was disciplined in violation of the Schedule Agreement and should be allowed the provisions of Rule 48(e).

FINDINGS:

Claimant, a yard foreman, was suspended for five days for failure to comply with instructions. He had been instructed by Supervisor Higgins to report to the Chief Dispatcher's office at Newark, Ohio, to complete a Book of Rules examination. Mr. Higgins told him at the time that he could go directly to Newark that morning; that saved him the trouble of reporting first to his regular place of work at Port Columbus. Mr. Higgins also instructed claimant to report to his gang if he completed the examination before noon, but informed claimant that he would not have to report to work if the examination were completed after the noon hour. The examination was completed at 10 a.m., but claim-

ant did not report to work that day. He did not communicate with Mr. Higgins or offer any explanation at the time.

That claimant received unambiguous instructions to return to work from competent authority is clear. The record discloses no prejudicial procedural error. No basis exists for setting aside the discipline imposed on claimant.

AWARD: Claim denied.

Adopted at Baltimore, Maryland, *February 22,* 1984.


Harold M. Weston, Chairman


Carrier Member


Employee Member