

Case No. 116 Award No. 103

STATEMENT OF CLAIM: Appeal of Welder R. J. Higgins to have 30 days suspension removed.


The Organization strenuously protests the Carrier's actions both on procedural grounds and with respect to the substance of the charge. It essentially argues that the Claimant was prejudged, as evidenced by the hearing transcript. Moreover, also relying mainly on the testimony adduced during the investigation, it asserts that the Carrier has not met its burden of proof.

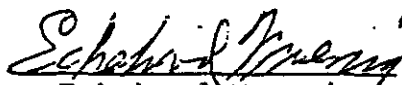
With respect to the substance of the Carrier's charge, we find that the Claimant was in error in his actions. Failure to follow legitimate instructions is a serious offense for which the Carrier may take appropriate disciplinary measures. However, in


this case, a close review of the relevant testimony and the circumstances leads this Board to conclude that the discipline assessed was overly harsh and excessive.

AWARD

The claim is sustained to the extent that the suspension is reduced to fifteen (15) days.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


W. P. Cassese
Employee Member

Dated: FEB 27 1986