

Award No. 24
Case No. 31

Public Law Board No. 3514

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employes
and
Consolidated Rail Corporation

STATEMENT
OF
CLAIM:

Appeal by Trackman Bruce King from his dismissal from Carrier's service on May 3, 1983.

FINDINGS:

Claimant's dismissal is based on Carrier findings that he failed to comply with Asst. Supervisor Staiger's instructions to gauge track and spike ties. Carrier did not find him guilty of threatening conduct.

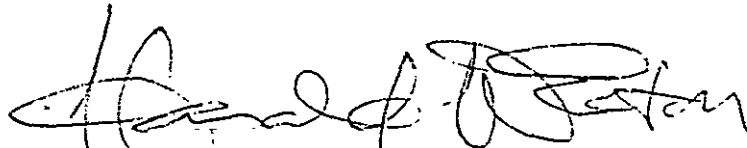
The record supports Carrier's findings of insubordination. There is, however, evidence that claimant was not well when he reported for work that day, that he had been hurt in an automobile accident that had occurred earlier that morning and had asked to be relieved of his duties.

Upon weighing all the considerations, it is our conclusion that claimant should be given another chance to show that he can be relied on for conscientious service. He should bear in mind that this Board will not tolerate any proven instance of threats to a supervisor.

AWARD:

Claimant to be reinstated with seniority rights
unimpaired but without back pay. To be effective
within 30 days.

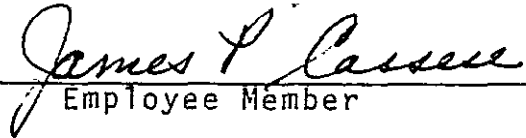
Adopted at Philadelphia, Pa., October 4, 1984.



Harold M. Weston, Chairman



Carrier Member



Employee Member