

Award No. 30
Case No. 37

Public Law Board No. 3514

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Consolidated Rail Corporation

STATEMENT
OF
CLAIM:

Claim by Richard Chambers for reinstatement and reimbursement for all lost time resulting from his dismissal on April 12, 1979.

FINDINGS:

The record supports Carrier's findings that claimant refused to comply with Assistant Supervisor Ferrone's unambiguous instructions to dump the load on a dump truck and then to pick up a rake or fork and clean up the area with the rest of the men. The evidence does not establish that performance of those duties was hazardous or that claimant was justified in not performing them.

Discipline was clearly warranted in this situation.

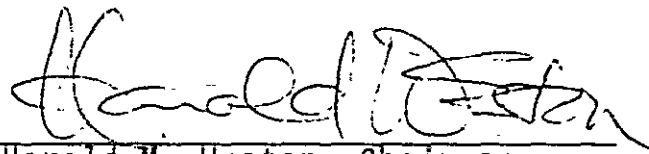
It was not inappropriate for Carrier to consider claimant's prior record of service in determining the measure of discipline. That record shows that he had received substantial

discipline in 1977 and 1978, on each occasion for threatening a foreman or assistant supervisor.

No basis is perceived for disturbing Carrier's decision.

AWARD: Claim denied.

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



Harold M. Weston, Chairman



Carrier Member



Employee Member