

PUBLIC LAW BOARD NO. 3514

Case No. 93

Award No. 96

PARTIES Brotherhood of Maintenance of Way Employees
to -and-
DISPUTE: Consolidated Rail Corporation

STATEMENT OF CLAIM: Appeal by Trackman Carl Williams to have
ninety (90) days' suspension removed.


FINDINGS: Subsequent to an investigation, the Claimant was found
to be insubordinate when he refused to comply with the instructions
of one of the Carrier's supervisors.

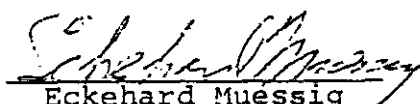
Our close review of the testimony developed at the hearing
reveals evidence that provides substance to the Carrier's finding
that the Claimant was insubordinate.

While the Board notes that reasonable arguments can be made
that the incident that led to this dispute, to a degree, was
provoked by the Supervisor, it does not mitigate the Claimant's
actions. The evidence is convincing that he refused a legitimate
order and that he used foul and abusive language. We conclude
that the discipline assessed was not unreasonable under the circum-
stances and facts of record.

AWARD

The claim is denied.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

JAN 23 1966