

Award No. 34

Case No. 34

Docket No. FWT-80-43

Parties Brotherhood of Maintenance of Way Employees

to and.

Dispute Norfolk and Western Railway Company (Former Wabash Railroad)

Statement

of Claim: Claim on behalf of Mr. D. P. Burger account assessment of 90 day actual suspension from service as a result of investigation held on September 9, 1980.

Findings: The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated February 2, 1976, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.


Claimant, a carpenter-helper on the Fort Wayne Division, was dismissed from service on July 21, 1980 because of insubordination and refusal to do the work as instructed by Acting Foreman Brian Keeser on July 17, 1980. As a result of an investigation held in connection therewith, the discipline was reduced to 90 days actual suspension.

The Board concludes that there was sufficient evidence adduced to support Carrier's conclusion as to Claimant's culpability.

The Board finds that in the particular circumstances and the nature of the offense involved, that the discipline assessed was reasonable. The claim will be denied.

Award: Claim denied.

  
M. A. Christie, Employee Member

  
E. N. Jacobs, Jr., Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued at Wilmington, Delaware, February 24, 1982.