

Award No. 2
Case No. 2

Public Law Board No. 2203

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Consolidated Rail Corporation

STATEMENT
OF
CLAIM:

1. The Carrier's action in removing Trackman James Warren from service was unreasonable and unduly harsh for the offense.

2. Carrier shall reinstate Trackman Warren with seniority and vacation rights unimpaired and with pay for time lost.

FINDINGS:

Claimant was dismissed for ~~cause~~ ^{INSUBORDINATION} after having been in Carrier's employ for 31 months. HW

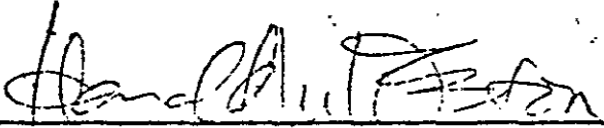
The record establishes that he refused to comply with the direct order of a foreman to assist in salting a hill used as the entrance to McCullough Yard at Cincinnati, Ohio. He argued that it was not his job to salt the hill down and that the hill was not Company property.

There is no evidence that the job subjected claimant to danger or illness. It is entirely clear that he should have complied promptly with the order and tested its propriety, if he considered it improper, through the orderly processes of the grievance procedure.

No basis is perceived for setting aside the discipline and the claim will be denied. The foreman's warning to claimant that if he failed to comply with the order, he could go up the hill was plainly a warning of discipline and did not reasonably mean that he was free to leave work.

AWARD: Claim denied.

Adopted at Philadelphia, Pa., May 17, 1979.


Harold M. Weston, Chairman


Carrier Member


Employee Member