

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Louisville and Nashville Railroad Company

STATEMENT
OF
CLAIM:

- (1) The dismissal of Welder W. R. Huckabaa for alleged insubordination was without just and sufficient cause and wholly disproportionate to such a charge (System File 1-17(10)(79)).
- (2) Welder W. R. Huckabaa shall be reinstated with seniority and all other rights unimpaired and compensated for all wage loss suffered.

FINDINGS:

Claimant, a welder with over 4½ years in Carrier's employ, was dismissed for insubordination.

There is credible evidence in the record that claimant walked towards Roadmaster H. A. Jones while cursing and threatening Mr. Jones just after Mr. Jones instructed a group of welders, including claimant, to get to work and quit standing around and talking. The incident occurred at a work site near

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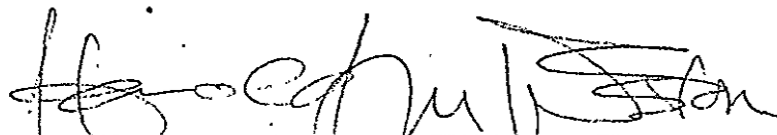
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Atmore, Alabama. The evidence does not establish that claimant struck Mr. Jones or intended to do so.

Insubordination is an extremely serious offense and no supervisor should have to put up with threatening or insulting conduct. There is some indication, however, that in this case the heat of the moment caused some confusion in claimant's conduct and that reason exists for affording him another chance to show that he is a reliable and cooperative employee. He can rest assured, however, that a repetition of such conduct will constitute a basis for termination of his employment.

AWARD: Claimant to be reinstated with seniority unimpaired but without back pay.

Adopted at Louisville, Kentucky, February 27, 1981.


Harold M. Weston, Chairman


Carrier Member


Employee Member