

Award No. 9
Case No. 26

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 Helper G. C. Abner was without just or sufficient cause and wholly disproportionate to the offense with which charged.
2. Claimant shall be reinstated with all benefits and remedies of Rule 27(f).

FINDINGS:

The record, consisting of testimony by Assistant Roadmaster Palmer and claimant's own testimony, supports Carrier findings that claimant refused to comply with unambiguous and reasonable instructions of his superiors and used intemperate language in doing so. Disciplinary action therefore was warranted.

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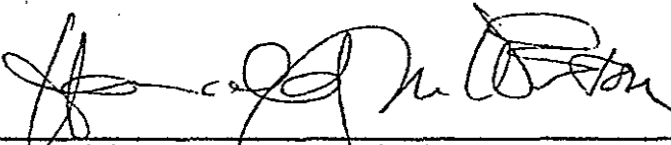
There is evidence that after refusing to comply with the instructions, claimant then was proceeding to carry them out when the orders were countermanded.

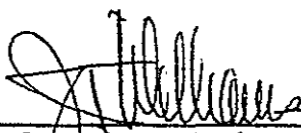
We will direct Carrier to offer claimant immediate reinstatement with seniority rights unimpaired, but without back pay.

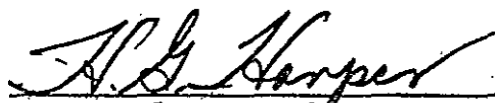
AWARD: Claimant to be reinstated without back pay.
Award effective within 30 days of adoption.

Adopted at Louisville, Kentucky,

December 10, 1979.



Harold M. Weston, Chairman

Carrier Member

Employee Member