

PUBLIC LAW BOARD NO. 2366

AWARD NO. 52

DOCKET NO. 66

BMW NO. C-117-T-82

ICG NO. 1524

PARTIES TO DISPUTE:

Illinois Central Gulf Railroad Company

and

Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM

- " (1) The dismissal of Washington Lowe, Jr., Trackman, for alleged insubordination was without just and sufficient cause...
- ' (2) Trackman Washington Lowe, Jr., shall be reinstated with seniority and all other rights unimpaired and compensated for all wage loss suffered.' "

OPINION OF BOARD

The Claimant was instructed to attend an investigation concerning an asserted refusal to follow instructions. Subsequent to the investigation, he was dismissed from service.

Our review of the record reveals that this Claimant did, indeed, fail to follow instructions. However, there may have been some mitigating factors which have a bearing on the severity of the discipline imposed. Thus - limited solely to the record before us in this case - we will restore the Claimant to service but without back pay.

FINDINGS

The Board, upon consideration of the entire record and all of the evidence finds:

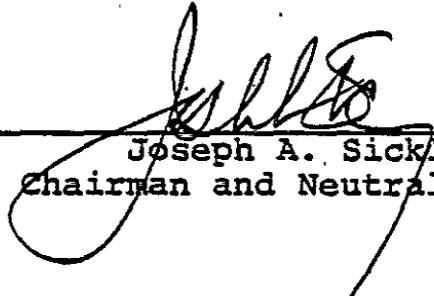
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

This Board has jurisdiction over the dispute involved herein.

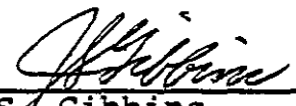
The parties to said dispute were given due and proper notice of hearing thereon.

AWARD

1. The termination is set aside.
2. The Claimant shall be restored to service with seniority and other benefits but shall not receive reimbursement for compensation lost during the suspension.
3. Carrier shall comply with this Award within thirty (30) days of the effective date.



Joseph A. Sickles
Chairman and Neutral Member



J. S. Gibbins
Carrier Member



Hugh G. Harper
Organization Member

5/31/83
DATE