

PUBLIC LAW BOARD NO. 2444

Award No. 83

Case No. 97

Docket No. MW-82-6
336-36-A

Parties Brotherhood of Maintenance of Way Employes

to and

Dispute Southern Pacific Transportation Company
(Texas and Louisiana Lines)

Statement

of Claim: Claim of BMW and Machine Operator E. R. Jones assigned to extra gang 141 at Dayton, Texas, for eighty hours pay at his respective pro rata rate, alleging unjustly suspended from service June 17, 1981, through and including June 30, 1981, for alleged insubordination to General Track Foreman F. L. Weishaar.

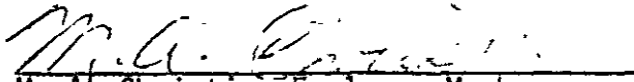
Findings: The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated July 19, 1979, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

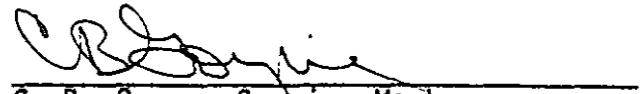
Claimant, a Machine Operator, was advised under date of June 17, 1981, that he was suspended from service for ten (10) working days without pay effective June 17, 1981 through and including June 30, 1981 for being insubordinate on June 16, 1981 because he refused to follow General Track Foreman F. L. Weishaar's instructions to get on his assignment and start working.

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

Claimant was accorded the due process to which entitled and the discipline in light of the circumstance of the record is found to be reasonable. This claim will be denied.

Award: Claim denied.


M. A. Christie, Employee Member


C. B. Goyne, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued March 14, 1983.