

Award No. 34
Case No. 30

Public Law Board No. 2778

PARTIES
TO
DISPUTE:

The Brotherhood of Maintenance of Way Employees
and
The Baltimore and Ohio Railway Company

STATEMENT
OF
CLAIM:

Charles Hamlett, trackman, was given a 15-day suspension without just cause.

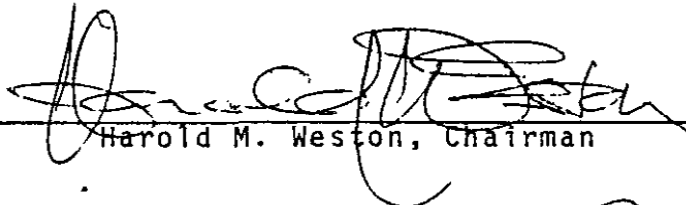
FINDINGS:

The suspension was assessed on the ground that Trackman Hamlett refused to follow his foreman's instructions. Carrier's findings are supported by substantial evidence. Although claimant, joined other trackmen in getting out of the truck near the work site when instructed by his foreman to do so, he then climbed back into the truck. The other men waited outside the truck for further instructions. When questioned about his actions, claimant subjected the foreman to unnecessarily obscene comments.

We find no valid basis for substituting our judgment for that of Carrier in this situation.

AWARD: Claim denied.

Adopted at Baltimore, Md. July 13, 1984.


Harold M. Weston, Chairman


Carrier Member


Employee Member