PULLIC LAW BOARD NO. 3514

Case No. 125 Award No. 126

PARTIES

Brotherhood of Maintenance of Way Employes

to

-and-

DISPUTE:

Consolidated Rail Corporation

STATEMENT OF CLAIM:

Appeal of Trackman Daniel Jackson to have discipline of fifteen (15) calendar days removed from his record.

FINDINGS: Subsequent to an investigation held on June 13, 1985, the Claimant was found guilty of insubordination. In essence, the Carrier found that the Claimant refused to comply with a direct order to leave a bus and go to work.

Failure to obey legitimate orders may lead to dismissal. While the Organization contended that weather conditions prompted the Claimant's concerns about handling tools and performing work activities, the Board notes that it is the Carrier's role to determine whether conditions are safe to perform work.

Here, we find the evidence is convincing that the Carrier did not abuse its authority and the claim is denied.

AWARD

As specified in the Findings.

Domzalski rier Member

Neutral Member

Employee Member

tpril 28, 1987