## PUBLIC LAW BOARD NO. 3514

Case No. 71 Award No. 83

PARTIES

Brotherhood of Maintenance of Way Employes

to

-and-

DISPUTE:

Consolidated Rail Corporation

STATEMENT OF CLAIM: Appeal by Trackman Ralph Short to have 30 days actual suspension removed.

FINDINGS: Subsequent to an investigation held on December 14, 1981, the Claimant was found guilty of insubordination and he was suspended for thirty (30) days. The Carrier concluded that, on November 19, 1981, the Claimant refused to provide the names of four men working under his supervision after being instructed to do so by his Supervisor.

The Board is convinced, as evidenced by the Claimant's testimony at the trial, that the Claimant refused to comply with a legitimate request of his Supervisor. While the Claimant has advanced reasons for refusing to do as instructed, these do not mitigate his action.

Accordingly, the Carrier's decision to discipline the Claimant cannot be said to be an unreasonable use of its discretion.

AWARD

The claim is denied.

F. J. Domzalski

Carrier Member

Eckehard Muessig

Neutral Member

J. P. Cassese

Employee Member