

PUBLIC LAW BOARD NO. 3514

Case No. 93

Award No. 96

PARTIES Brotherhood of Maintenance of Way Employees  
to -and-  
DISPUTE: Consolidated Rail Corporation

STATEMENT OF CLAIM: Appeal by Trackman Carl Williams to have  
ninety (90) days' suspension removed.

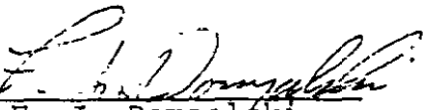
FINDINGS: Subsequent to an investigation, the Claimant was found  
to be insubordinate when he refused to comply with the instructions  
of one of the Carrier's supervisors.

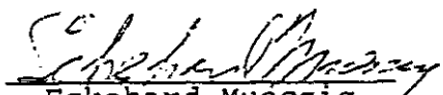
Our close review of the testimony developed at the hearing  
reveals evidence that provides substance to the Carrier's finding  
that the Claimant was insubordinate.


While the Board notes that reasonable arguments can be made  
that the incident that led to this dispute, to a degree, was  
provoked by the Supervisor, it does not mitigate the Claimant's  
actions. The evidence is convincing that he refused a legitimate  
order and that he used foul and abusive language. We conclude  
that the discipline assessed was not unreasonable under the circum-  
stances and facts of record.

AWARD

The claim is denied.

  
F. J. Domzalski  
Carrier Member

  
Eckehard Muessig  
Neutral Member

  
J. P. Cassese  
Employee Member

JAN 23 1966