

PUBLIC LAW BOARD NO. 3765

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Parties	* Consolidated Rail System Federation	*
to the	* Brotherhood of Maintenance of Way	*
Dispute	* Employees	* Case No. 36
	*	*
	* vs.	*
	*	*
	* Grand Trunk Western Railroad Company	*
	*	*

STATEMENT OF CLAIM

Mr. Alexander was innocent of the charge and he should be returned to service immediately and be paid for all time lost and credited for Vacation qualifying days and any other benefits he would have accrued if he had been allowed to continue to work.

OPINION OF THE BOARD

Kenneth Alexander, the Claimant, was employed by Carrier as a Trackman. On September 12, 1988, he was assigned to a gang that was installing a rubber crossing at 103rd Street in Chicago, Illinois. Carrier alleges that the work was not being done properly and that

Claimant was directed to redo some work on the crossing. He became argumentative, yelled and cursed at the Foreman, and did not complete the work he was directed to do. He also obstructed other employees from doing the work and he left the work site to call the Foreman's boss. On September 21, 1988, Claimant was charged as follows:

You are hereby notified to attend a formal investigation scheduled to be held at 1000 hours E.S.T. on Thursday, September 29, 1988, in the Supervisor of Track's office at 207 Bush Street, Valparaiso, Indiana for the purpose of determining your responsibility, if any, for allegedly being insubordinate and argumentive (sic) with Foreman Tom Runyon at approximately 1340 hours on Monday, September 12, 1988, at 103rd Street crossing in Chicago, Illinois.

The hearing was held as scheduled. A transcript of the hearing has been made a part of the record. A review of that record reveals that Claimant was granted all substantive and procedural rights guaranteed by Agreement. It also reveals that Claimant was guilty as charged. A review of the transcript indicates that Claimant was insubordinate and argumentative on this occasion and that he had a problem with following orders and with time and attendance in the past.

Carrier is not obligated to continue in its service employees who will not willingly follow orders and who become argumentative when directed to perform their work. This Board can find no basis on which to overturn Carrier's actions in this instance.

AWARD

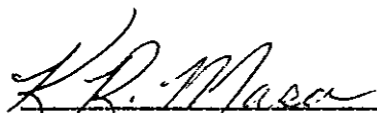
The claim is denied.



R.E. Dennis, Neutral Member



Jo A. DeRoche, Carrier Member



K.R. Mason, Employee Member

February 20, 1991