

Public Law Board No. 3794

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
CSX Transportation, Inc.

STATEMENT
OF
CLAIM:

1. The disqualification and forfeiture of seniority above the rank of Trackman and the six months bidding restriction assessed Foreman L. J. Thompson, Jr. was without just cause.
2. This seniority shall be restored, his record cleared and he shall be paid for all wage loss suffered and for all personal expense and travel time incurred as a result of the disqualification.

FINDINGS:

As Assistant Foreman, claimant was instructed to take the surfacing unit of his T & S Gang to smooth out defects between Mileposts 107 and 108 and to place a 30 mile per hour slow order between those Mileposts beginning at 12:30 p.m. However, claimant did not place a slow order as instructed. He waited until 2:30 p.m. to place a slow order and then placed it between the 108.5 to 108 Milepost, an area which he had not been called upon to surface.

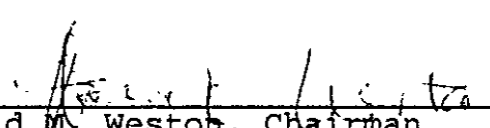
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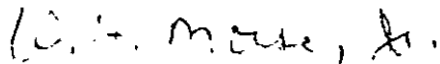
This procedure on claimant's part was in direct violation of the second and third paragraphs of Operating Rule 1119. By taking it upon himself to ignore instructions and adopt a different course, claimant subjected Carrier operations to confusion and disruption, and to unnecessary hazards.

We will not substitute our judgment for that of Carrier in this sensitive area. The claim will be denied. It is noted that claimant had previously been suspended for 25 days for another Operating Rule 1119 violation.

AWARD: Claim denied.

Adopted at Jacksonville, Florida, March 17, 1987.


Harold M. Weston, Chairman


Carrier Member


Employee Member

