

Award No. 140
Case No. 219

STATEMENT
OF CLAIM

- ## FINDINGS

An examination of the record of this dispute indicates that the caption of the investigation contained a complete charge and was clearly dated. Further, the transcript of the investigation does not indicate any prejudice whatever or other actions by the hearing

officer denying Claimant or his representatives the right to present their defense. Hence, the procedural contentions of the Organization must be denied since they are not supported by the record. With respect to the merits of the dispute, it is quite evident that Claimant, on the day in question, did indeed refuse to carry out the instructions of his foreman. His noncompliance with the proper order from his supervisor was not a misunderstanding as alleged by Petitioner but clearly a matter of willful disobedience. In short, his actions constituted good cause for discipline. It is well established that insubordination is a dismissal offense. While the Board recognizes that there are varying degrees of insubordination, the refusal to obey a direct order from a supervisor is clearly beyond the pale of acceptable conduct. Furthermore, it is quite well known that Boards such as this may not substitute their judgments for that of Carrier unless Carrier's actions with respect to the discipline imposed have been unreasonable, capricious or arbitrary. In this instance, we do not find that Carrier's measure of discipline was inappropriate to the offense. Hence, the claim must be denied.

AWARD

CLAIM DENIED.



I.M. Lieberman, Neutral-Chairman



Carrier Member



Employee Member

October 19, 1979
Houston, Texas