

SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES) BROtherHOOD OF MAINTENANCE OF WAY EMPLOYEES
TO)
DISPUTE) ST. LOUIS SOUTHWESTERN RAILWAY COMPANY

STATEMENT OF CLAIM:

"Claim in favor of B&B Carpenter, Mark Lewis,
for all lost wages from April 19 to May 10,
1984." (SSW-D-1154-Lewis; 53-738)

FINDINGS:

The Board, after hearing upon the whole record and all the evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended; this Board has jurisdiction over the dispute involved herein; and, the parties were given due notice of hearing thereon.

There is no question in this dispute but that Claimant had admittedly refused to follow his supervisor's instructions to remain on the job to complete certain assigned work on April 18, 1984. In this respect, the Claimant testified as follows at a formal company hearing on May 31, 1984:

"I worked until approximately 5:00 and I asked Dave if I could leave at that time, he again told me no. We had just begun to pour the grout. I then left."

While Claimant may have had personal transportation problems to take care of relative to his wife getting home from her job, and that his foreman was inconsiderate by not permitting Claimant to leave as he requested and then utilizing the services of another member of the then present work force to work overtime, the fact remains that Claimant was obliged to comply with instructions to remain on the job and to thereafter seek a remedy through proper grievance channels for whatever rights he felt were violated. In leaving work without permission he did so at his own peril and subjected himself to discipline.

As concerns the discipline as administered, a 30 day suspension, we do not find it to be harsh or unreasonable in the light of Claimant's past record which shows prior violations of Rule 810, and a prior dismissal from service for another violation of rules, but with reinstatement after being out of service for 24 days. The claim will therefore be denied.

SBA-280


AWARD NO. 202
CASE NO. 289

AWARD:

Claim denied.



Robert E. Peterson, Chairman
and Neutral Member



R. O. Naylor
Carrier Member



M. A. Christie
Organization Member

Houston, TX
February 5, 1986