

SPECIAL BOARD OF ADJUSTMENT NO. 285

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

READING COMPANY

Award No. 37

Case No. 37

STATEMENT OF CLAIM:

1. The Carrier violated the effective Agreement by improperly assessing District Gang Laborers C. Herder, J. Williams, William Prescott, William Kennedy and W. Ayers five days actual suspension based on the charge of insubordination on October 20, 1960.
2. These five claimants be now compensated for all time lost, their records be cleared of these charges and that they be made whole for any other loss of benefits resulting from this violation of the Agreement referred to.

OPINION OF BOARD:

As a general proposition the employees are, of course, expected to comply with instructions from their supervisors. In the instant case, however, it appears from the record that the foreman arbitrarily insisted upon the men performing non-emergency work outside in a severe rainstorm. We conclude that under the subject circumstances the employees' request to be relieved from service for the remainder of the day should have been granted without the imposition of a penalty. The penalty assessed will therefore be revoked.

AWARD:

Claim sustained.

(s) Lloyd H. Bailer
Lloyd H. Bailer, Chairman

(s) A. J. Cunningham
A. J. Cunningham, Employee Member

(s) H. F. Wyatt, Jr.
H. F. Wyatt, Jr., Carrier Member

Philadelphia, Pa.,
January 29, 1963.