

C
O
P
Y

Docket No. CL-8130
Award No. 10

SPECIAL BOARD OF ADJUSTMENT NO. 177 (PRR)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

Discipline of thirty days' suspension imposed upon G. R. Spencer, Tractor Operator, Wilmington Electric Locomotive Shop, Wilmington, Delaware, Maryland Division, be removed and that he be reimbursed for all monetary loss sustained. (Docket E-984)

FINDINGS: It is shown that the lifting of the half quill bearings required of Claimant had uniformly been performed as here required in the past and no showing is made of resulting strain or injury. There is nothing in the record to support the contention that Claimant was called on to violate the Lifting Beyond Normal Capability safety rule.

Claimant asserted that he was capable of lifting anything anyone else could and he admitted he did not say he was not capable of loading the bearings. His excuse for refusing was that he thought there were too many bearings for one man to lift by himself so he did not attempt to lift any of them as he might injure himself. No justification for such conclusion appears and his refusal to perform the assigned work in such a situation was insubordination. The penalty was not arbitrary.

AWARD: Claim denied.

/s/ R. H. Skinner, Jr.
R. H. Skinner, Jr., Carrier Member

S. V. W. Loehr, Employe Member

/s/ Mortimer Stone
Mortimer Stone - Chairman