

SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES) Brotherhood of Maintenance of Way Employees
)
TO) and
)
DISPUTE) St. Louis Southwestern Railway Company

STATEMENT OF CLAIM:

Appeal of the dismissal of Extra Gang Laborer Robert L. Cozine on May 31, 1973.

FINDINGS:

On May 31, 1973 Claimant, when advised that his gang would have to work overtime, refused to work beyond his scheduled assignment which was 4:00 p.m. The gang was notified at about 3:20 p.m. that they would have to work overtime. Claimant said he could not because he had made arrangements to pick his family up at Greenville after work, and there was insufficient time to notify them that he would be late. As a result, Claimant was dismissed from Carrier's service for insubordination.

A review of the record, including the hearing transcript, compels the conclusion that Claimant was guilty of insubordination. However, the facts and circumstances do not warrant a dismissal from Carrier's service. Accordingly, Claimant shall be reinstated to Carrier's service with seniority unimpaired but without pay for time lost.

AWARD

Claim disposed of per findings herein

M. Kamas
Neutral Member

M. L. Eavin
Carrier Member

A. J. Cunningham
Organization Member

Date: March 18, 1977