SPECIAL BOARD OF ADJUSTMENT NO. 936

Parties to the Dispute	Brotherhood of Maintenance of Way Employes vs. Norfolk and Western Railway Company (Lake Region)	Case No. 8 Award No. 8

STATEMENT OF CLAIM

(1) The dismissal of Trackman B. R. Hill for alleged insubordination was without just and sufficient cause, on the basis of unproven charges, arbitrary and capricious. [File No. MW-BVE-78-41].

(2) Trackman B. R. Hill shall be reinstated with seniority and all other rights unimpaired and compensated for all wage loss suffered.

OPINION OF THE BOARD

Claimant was employed as a Trackman on the R-2 Rail Gang. On May 11, 1981, while working at the head end of the gang, Claimant was approached by the Assistant Foreman and told to move to the rear of the gang and set spikes. Claimant questioned this order. The Rail Gang Supervisor was called and he too instructed Claimant to move to the rear of the gang. Carrier contends that Claimant refused direct orders from two Supervisors. Claimant was removed from service

and on May 11, 1981 he was charged as follows:

> You are hereby notified to report to the Division Engineer's Office, 1st Floor, Old Administration Building, Foot of Wood Street, Bellevue, Ohio at 10:00 AM, May 15, 1981 for formal investigation to determine your responsibility in connection with your insubordination to Assistant Foreman R-2 Rail Gang C. R. Sluss and R-2 Rail Gang Supervisor H. A. Greenfield on Monday, May 11, 1981 at approximately 8:00 AM while working as Laborer on R-2 Rail Gang in Bellevue Terminal in that you failed and refused to proceed to the rear of the R-2 Rail Gang and set spikes as instructed by them.

An investigation into the matter was held on May 15, 1981. Claimant was found guilty of insubordination and was dismissed from service. The transcript of the hearing has been made a part of the record of this case. A review of that record reveals that Claimant was afforded all substantive and procedural rights guaranteed by Agreement. It also reveals that Claimant was in fact insubordinate and he did refuse a direct order to move to the rear of the gang and set spikes.

The history of dispute resolution in the railroad industry clearly establishes that insubordination is a serious infraction and in most cases is a dischargeable offense. Carrier can not tolerate employes who refuse legitimate orders from their Supervisors. The consequences of allowing such behavior is evident to all who have worked in an industrial setting. It is common knowledge that employes have to obey the boss. It is also common knowledge that

refusal to do so can result in termination. Claimant in this case refused orders from two Supervisors. Whatever his reasons for refusing, they were not justified and his removal from service was appropriate.

AWARD

The claim is denied.

R. E. Dennis, Neutral Member

S. C. Lyons, Carrier Member

H. G. Harper, Employe Member

MAY 10 1984