

Award No. 62  
Case No. 53  
System Docket No. CR-1978-D

SPECIAL BOARD OF ADJUSTMENT NO. 976  
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Appeal of 30 day suspension assessed A. J. Hill, in connection with being charged with insubordination and violation of Safety Rule 3060.

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this Board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

AWARD: Claim disposed of as follows:

Clearly the claimant admits that he did not have his hard hat on as prescribed by Safety Rule 3060, however weighing the circumstances involved at the time, we do not view his response to the supervisor as a deliberate act of insubordination, consequently, being mindful of his prior record, we will reduce the discipline to a 15 day suspension.

C. A. Peacock  
C. A. Peacock, Neutral Member

F. J. Domzalski  
F. J. Domzalski, Carrier Member

Jed Dodd  
Jed Dodd, Organization Member

Issued this 25 day of September, 1986.